



New Jersey Department of Children and Families Policy Manual

Manual:	CP&P	Child Protection and Permanency	Effective Date:
Volume:	IX	Administrative	
Chapter:	G	Information Management	4-1-2013
Subchapter:	1	Client Information	
Issuance:	100	Disclosure of Client Information	

Purpose 6-18-2001

“The purpose of this chapter is to protect the confidentiality of client information received, developed and maintained by the Division (CP&P) and state the conditions under which confidential client information may be disclosed...” (N.J.A.C. 10:133G-1.1)

The policies and procedures in this subsection are designed to provide a framework for field office staff in the disclosure of client information. See Collection and Retention of Client Information, [CP&P-IX-G-1-200](#). CP&P is obligated to treat as confidential all such information, whether or not the information is recorded in the client’s case record or the Division’s computerized information system, New Jersey SPIRIT (NJS). In accordance with Administrative Order 4:08, C.10, Division employees may be subject to disciplinary action if they divulge confidential information without proper authority. As a general rule, protection of the client’s right to privacy requires that confidential and personal information not be disclosed. Exceptions may be made when the best interests of the child (protection), the legitimate needs of CP&P, or the rights of third parties require disclosure, and such disclosure is permitted (i.e., not prohibited) under N.J.S.A. 9:6-8.10a. The policies and procedures outlined in this subsection and in [CP&P-IX-G-1-200](#) are based on Federal and State laws and regulations which govern the Division’s disclosure of confidential client information.

The obligation of CP&P to safeguard confidential client information is binding on all individual Workers, supervisors, administrators, clerks, typists, students, volunteers, and other staff members as well as on the agency as a governmental entity. The obligation to safeguard -- i.e., not re-disclose -- confidential information also extends to individuals and agencies with whom the information is lawfully shared.

Prior to utilization of the services of an interpreter - including foreign language interpreters and interpreters for the deaf and hard of hearing - the Worker

reviews the CP&P policy on confidentiality with the interpreter. The interpreter must sign CP&P Form [8-80](#), DCF Confidentiality Agreement (for Non-Employees).

Terms and Definitions 9-18-96

The terms used in both here and in [CP&P-IX-G-1-200](#), and their definitions include:

Confidential Information

5-10-2010

“Confidential Information” includes, but is not limited to:

- the names and addresses of CP&P applicants, clients, and CP&P service recipients, both past and present;
- the nature and extent of services provided to an individual or family;
- information related to the social and economic conditions or circumstances of a particular individual or family;
- agency evaluation of information about a particular individual or family;
- educational, psychological, psychiatric, medical, substance abuse and domestic violence data, including diagnosis and past history of disease, mental illness or disability, concerning a particular individual; and
- any other direct or indirect client identifying information.

When **domestic violence** is alleged or co-occurs with child abuse and/or neglect, see [CP&P-VIII-B-1-100](#) and the [DCF Domestic Violence Protocol](#), Section III, Confidentiality, for additional confidentiality policies and procedures that must be followed.

Child Protective Services Case (CPS)

4-1-2013

A “child protective service” (**CPS**) case is one in which a) CP&P receives a report that alleges the existence or an incident of child abuse and/or neglect as defined by statute (N.J.S.A. 9:6-8.9 and 8.21) and CP&P policy; and/or b) upon investigation, intervention, or the provision of services, CP&P makes a finding determination of Substantiated or Established child abuse/neglect.

Non Child Protective Services Case (non-CPS)

9-1-95

A “non child protective service” (**non-CPS**) case is any case in which CP&P services are requested by or provided to individuals or families whose circumstances do not fall within the statutory or policy definitions of child abuse/neglect.

Child Abuse Registry

4-1-2013

New Jersey's "Child Abuse Registry" is the repository of all information regarding reports of child abuse or neglect, thereby containing confidential information about the State Central Registry's receipt of child abuse/neglect allegations, and the findings of the CP&P, IAIU, or the Public Defender Conflict Investigation Unit's (PDCIU) investigation conducted to address those allegations. The Child Abuse Registry was initiated and is maintained pursuant to N.J.S.A. 9:6-8.11.

On August 27, 2004, "Central Registry" became known as "Child Abuse Registry" pursuant to P.L. 2004, c.130.

The Child Abuse Registry contains the names and identifying information of:

- Children alleged to have been victims of child abuse and/neglect (based on reports received by the State Central Registry), regardless of the findings of the CP&P, IAIU, or PDCIU child protective services investigation; and
- Substantiated perpetrators of child abuse and/or neglect in New Jersey, as determined by CP&P, IAIU, or PDCIU child protective service investigations. Entries are limited to individuals identified as perpetrators in Substantiated incidents of child abuse/neglect who have exercised their right to due process by appealing the finding (and the agency's finding - Substantiated - is subsequently affirmed), or deciding not to appeal the Substantiated finding, or having failed to appeal the finding, after being advised of their right to appeal.

The Child Abuse Registry is automatically built upon entry of relevant case/incident registration information into NJ SPIRIT. The Child Abuse Registry is maintained in the NJS application.

If a Substantiated finding is reversed during the appeal process by DCF or a court action, or during a case practice review, the name of the individual is deleted from the Child Abuse Registry listing.

Note: The name will remain on the Registry, however, if the individual is a Substantiated perpetrator of child abuse/neglect in another investigation(s).

See [CP&P-IX-M-1-100](#), Informal and Formal Dispute Resolution Policy and Procedures, for appeal policy and procedures. For policy and required procedures and documentation, see [CP&P-II-C-6-300](#), When a "Substantiated" Finding Is Reversed, [CP&P-II-C-6-400](#), Documenting a Reversed Finding in NJS After an Appeal and Documenting Modifications in Findings in NJS (Not Related to an Appeal).

Child Welfare Information

9-18-96

"Child welfare information" means every record, computer file, verbal or written report and evaluation relating to any service

provided by the Division except records defined as protective service information.” (N.J.A.C. 10:133-1.3)

Client Consent

6-21-2010

“Client’s consent” means written authorization by an adult client or, if the client is a minor, by the parent, permitting the Division to release confidential information about himself or herself or about his or her child to a third party as permitted by statute. (N.J.A.C. 10:133-1.3)

Protective Service Information

6-21-2010

“Protective service information” means a suspected child abuse or neglect report made pursuant to N.J.S.A. 9:6-1 et seq.; every record, computer file, verbal or written report and evaluation developed or received by the Division pursuant to the investigation and evaluation of such report; and every record and report developed and received by the Division for services and treatment subsequently provided to the family. (N.J.A.C. 10:133-1.3)

Third-Party Report

6-21-2010

“Third-party report” means a confidential report prepared by a psychiatrist, psychologist, physician, social worker, child study team or other non-Division person or agency, which is shared with the Division. (N.J.A.C. 10:133-1.3)

CARI

10-18-2010

Child Abuse Record Information, or “CARI,” is information in the Child Abuse Registry, maintained in the NJ SPIRIT application. Information may be released to persons or agencies outside the Division only as prescribed by law.

“**CARI**” or “**Child Abuse Record Information**” means the information in New Jersey’s child abuse registry as established in N.J.S.A. 9:6-8.11, which may be released to a person or agency outside the Department’s Division of Child Protection and Permanency only as prescribed by law. (See N.J.A.C. 10:129-1.3, Definitions.)

- A “**CARI check**” is an inquiry into NJ SPIRIT, to determine if an individual abused or neglected a child in New Jersey.
- A **CARI “hit”** means CP&P, IAIU, or the PDCIU made a finding of **substantiated**, with the individual/subject of the inquiry entered as the **confirmed perpetrator**.
- An “**out-of-state CARI check**” is a contact with another state’s child abuse/neglect agency, to determine if an individual or a family is known to that state’s CPS agency, to determine if

an adult has a history of child abuse/neglect in that jurisdiction. CARI information is released to confirm a perpetrator of a substantiated report of child abuse/neglect **only when** the individual has exercised his or her right to due process, whereby:

- He or she has appealed the finding, and the agency's finding (substantiated) is subsequently affirmed; or
- He or she has decided not to appeal the substantiated finding, or has failed to appeal the finding, after being advised of his or her right to appeal.

Do **not** release CARI information:

- If there is ongoing litigation regarding the current allegation, until the Family Court makes a disposition that abuse or neglect occurred; or
- If an appeal has been initiated, and the appeal is pending. Do not release information regarding the finding until the appeal process is completed, **and** the substantiated finding is affirmed.

Information which identifies that a case is in litigation or on appeal is found in NJS, in the Appeal Window, in the Comments field. The Administrative Hearings Unit enters this information in NJS.

CHRI

9-18-96

Criminal History Record Information, or "CHRI," is information collected by the Department of Children and Families or the Division, through State and Federal fingerprint background checks. CHRIs are used when screening a CP&P adoptive parent applicant or assisting a private adoption agency to screen an adoptive parent applicant. Criminal checks are also conducted on CP&P resource parent applicants and volunteers serving in CP&P field offices.

Expunge (Expunction)

4-5-2010

"Expunction" means the destruction, erasure and complete eradication of a record and applies to the destruction of computer files and corresponding paper files. (N.J.A.C. 10:129-1.3.) The term "expunge" or "expunction" applies to the destruction of computer files in New Jersey SPIRIT and corresponding paper files. See [CP&P-III-E-2-100](#), Expunction of Records.

Government Entity

6-18-2001

"Government entity" means a Federal, State or local government agency, body or official that has responsibility under the law to protect children from abuse and neglect. (N.J.A.C. 10:133-1.3)

Media

6-21-2010

“Media” means a representative of the press, including a news reporter, editor, producer or other representative of a newspaper or a magazine, or another printed or on-line publication, or a radio or television station, network or system. (N.J.A.C. 10:133-1.3)

Member of the Public

6-18-2001

“Member of the public” means an individual from the general public who does not represent the media. (N.J.A.C. 10:133-1.3)

Near Fatality

6-18-2001

“Near fatality” means a serious or critical condition, as certified by a physician, in which a child suffers a permanent mental or physical impairment, a life-threatening injury or a condition that creates a probability of death within the foreseeable future. (N.J.A.C. 10:133-1.3)

Shall or Must/May or Permit

9-18-96

“Shall” or “must,” when used in this subsection, indicates that adherence is required.

“May” or “permit” indicates an area of discretion where the exercise of judgment specific to the circumstances is allowed.

Laws, Regulations and Administrative Orders Governing Disclosure of Information

6-18-2001

45 CFR 205.50 - Federal Social Security Act and Federal Regulations

9-18-96

The Federal Social Security Act and Federal Regulations (45 CFR 205.50) require that each state must provide safeguards which restrict the use or disclosure of information concerning service applicants and recipients to persons directly connected with:

- the administration of financial assistance and social service programs;
- any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of such programs; and
- the administration of any other Federal or federally assisted program which provides financial assistance or social services directly to an individual on the basis of need.

N.J.S.A. 9:6-8.10a - Statute on Confidentiality of Child Protective Service Information 4-4-2005

N.J.S.A. 9:6-8.10a requires that records of child abuse/neglect reports, information obtained by CP&P in investigating such

reports, or reports kept by CP&P in the general course of conducting business shall be kept confidential. As part of a child abuse report, the identity of the reporter (referral source) is confidential. Protected also are CP&P child abuse/neglect finding determinations forwarded to the Division's Child Abuse Registry, pursuant to N.J.S.A. 9:6-8.11. **No information found in the Child Abuse Registry shall be considered as a public record.**

On July 31, 1997, the Comprehensive Child Abuse Prevention and Treatment Act, CCAPTA, P.L. 1997, c.175, was signed into law by Governor Whitman. It expanded the categories and conditions under which CP&P is permitted -- or in some cases is required -- to release its records and reports, or parts thereof.

As authorized by statute, CP&P may disclose information that is relevant to the purpose for which the information is required, provided, however, that nothing may be disclosed which would likely endanger the life, safety or physical or emotional well-being of a child or the life or safety of any other person, or which may compromise the integrity of a Division investigation or a civil or criminal investigation or judicial proceeding. If CP&P denies access to specific information on this basis, the requesting individual, agency or entity may seek disclosure through the Chancery Division of the Superior Court.

Nothing in the statute permits CP&P or others to disclose information deemed confidential by Federal law or State law other than as specified in N.J.S.A. 9:6-8.10a.

N.J.S.A. 9:6-8.10a1.b. expressly permits, and upon receipt of written request requires, CP&P to release child abuse/neglect records and reports or parts thereof to:

- A public or private child protective agency authorized to investigate a report of child abuse or neglect;
- A police or other law enforcement agency investigating a report of child abuse or neglect;
- A physician who has before him a child whom he reasonably suspects may be abused or neglected or an authorized member of the staff of a duly designated regional child abuse diagnostic and treatment center which is involved with a particular child who is the subject of the request;
- A physician, a hospital director or his designate, a police officer, or other person authorized to place a child in protective custody when such person has before him a child whom he reasonably suspects may be abused or neglected and requires the information in order to determine whether to place the child in protective custody;
- An agency, whether public or private, including any other

division or unit in the Department of Children and Families, authorized to care for, treat, or supervise a child who is the subject of a child abuse report, or a parent, guardian or other person who is responsible for the child's welfare, or both, when the information is needed in connection with the provision of care, treatment, or supervision to such child or such parent, guardian, or other person;

- A court or the Office of Administrative Law, upon its finding that access to such records may be necessary for determination of an issue before it, and such records may be disclosed by the court or the Office of Administrative Law in whole or in part to the law guardian, attorney or other appropriate person upon a finding that such further disclosure is necessary for determination of an issue before the court or the Office of Administrative Law;
- A grand jury upon its determination that access to such records is necessary in the conduct of its official business;
- Any appropriate State legislative committee acting in the course of its official functions, provided, however, that no names or other information identifying persons named in the report shall be made available to the legislative committee unless it is absolutely essential to the legislative purpose;
- A family day care sponsoring organization for the purpose of providing information on child abuse or neglect allegations involving prospective or current providers or adult household members pursuant to P.L. 1993, c.350 (C. 30:5B-25.1 et al.), and as necessary, for use in administrative appeals related to information obtained through a Child Abuse Registry search. (Information sharing by CP&P is required.)
- The Victims of Crime Compensation Board, for the purpose of providing services available pursuant to the "Criminal Injuries Compensation Act of 1971," P. L. 1971, c.317 (C. 52:4B-1 et seq.) to a child victim who is the subject of such report;
- Any person appealing a Division service or status action or a substantiated finding of child abuse or neglect and his attorney or authorized lay representative upon a determination by the Division or the presiding Administrative Law Judge that such disclosure is necessary for a determination of the issue on appeal;
- Any person or entity mandated by statute to consider child abuse or neglect information when conducting a background check or employment-related screening of an individual employed by or seeking employment with an agency or organization providing services to children;

- Any person or entity conducting a disciplinary, administrative or judicial proceeding to determine terms of employment or continued employment of an officer, employee, or volunteer with an agency or organization providing services for children. The information may be disclosed in whole or in part to the appellant or other appropriate person only upon a determination by the person or entity conducting the proceeding that the disclosure is necessary to make a determination.
- The members of a county multi-disciplinary team, established in accordance with State guidelines, for the purpose of coordinating the activities of agencies handling alleged cases of child abuse and neglect;
- A person being evaluated by CP&P or the court as a potential care-giver to determine whether that person is willing and able to provide the care and support required by the child;
- The legal counsel of a child, parent, or guardian, whether court-appointed or retained, when information is needed to discuss the case with CP&P in order to make decisions relating to or concerning the child;
- A person who has filed a report of suspected child abuse or neglect (i.e., the referral source) for the purpose of providing that person with only the disposition of the investigation;
- A parent or legal guardian when the information is needed in a CP&P matter in which that parent or guardian is directly involved. The information may be released only to the extent necessary for that parent or guardian to discuss services or the basis for CP&P involvement, or to develop, discuss or implement a case plan for the child;
- A Federal, State or local government entity, to the extent necessary for such entity to carry out its responsibilities under law to protect children from abuse and neglect;
- Citizen review panels designated by the State in compliance with the Federal "Child Abuse Protection and Treatment Act Amendments of 1996," Pub.L.104-235; and
- The Child Fatality and Near Fatality Review Board established pursuant to P.L. 1997, c.175.

Any individual, agency, board, court, grand jury, legislative committee or other entity which receives records and reports from CP&P must keep that information confidential and may not disclose such records and reports or parts thereof except as authorized by law.

N.J.S.A. 9:6-8.10a1.c. states that CP&P may share information with a child who is the subject of a child abuse or neglect report, as

appropriate to the child's age or condition, to enable him to understand the basis for CP&P involvement and to participate in the development, discussion or implementation of a case plan for the child.

N.J.S.A. 9:6-8.10a1.d. states that CP&P may release records and reports to any person engaged in a bona fide research purpose, provided, however, that no names or other information identifying persons named in the report shall be made available to the researcher unless it is absolutely essential to the research purpose and provided further that the approval of the CP&P Director shall first have been obtained.

N.J.S.A. 9:6-8.10a1.e. requires CP&P to notify the local police or law enforcement agency when child abuse/neglect is substantiated:

“For incidents determined by the division to be substantiated, the division shall forward to the police or law enforcement agency in whose jurisdiction the child named in the report resides, the identity of persons alleged to have committed child abuse or neglect and of victims of child abuse or neglect, their addresses, the nature of the allegations, and other relevant information, including, but not limited to, prior reports of abuse or neglect and names of siblings obtained by the division during its investigation of a report of child abuse or neglect. The police or law enforcement agency shall keep such information confidential.”

N.J.S.A. 9:6-8.10a1.f. permits CP&P to make information public when a child has died or is seriously injured as a result of abuse/neglect, as follows:

“The division may disclose to the public the findings or information about a case of child abuse or neglect which has resulted in a child fatality or near fatality. Nothing may be disclosed which would likely endanger the life, safety, or physical or emotional well-being of a child or the life or safety of any other person or which may compromise the integrity of a division investigation or a civil or criminal investigation or judicial proceeding. If the division denies access to specific information on this basis, the requesting entity may seek disclosure of the information through the Chancery Division of the Superior Court. No information may be disclosed which is deemed confidential by federal or State law. The name or any other information identifying the person or entity who referred the child to the division shall not be released to the public.”

See “Procedures for Release of Client Information to Persons Other than the Client.” Also see “Response to Inquiries from the Public.”

N.J.S.A. 9:3-54.2 - Disclosure of CPS Information to Private Adoption Agencies 4-4-2005

N.J.S.A. 9:3-54.2 requires CP&P to share Child Abuse Registry information with private adoption agencies for the screening of applicants.

.J.A.C. 10:133G - Administrative Code on Release of Client Information 6-18-2001

N.J.A.C. 10:133G establishes criteria for CP&P staff to follow when releasing CPS and non-CPS information to clients and other persons; release of third party information release of information to a minor client release of information to adult adoptees release of information to the media and members of the public about child fatalities and near fatalities and release of information to government entities

N.J.S.A. 9:6-8.88 to 8.96 - Child Fatality and Near Fatality Review Board 1-21-2003

The Child Fatality and Near Fatality Review Board, established pursuant to the Comprehensive Child Abuse Prevention and Treatment Act, CCAPTA, N.J.S.A. 9:6-8.88 through 8.96, is in, but not of, the Department of Children and Families. Pursuant to N.J.S.A. 9:6-8.92a, the Board records basic information surrounding the death or near fatality in a confidential master file. This file is not subject to discovery, but may be used to refer an individual case to an appropriate agency to investigate or to provide services. Pursuant to N.J.S.A. 9:6-8.92b, the deliberations and conclusions of the board and of its teams, related to a specific case, shall be confidential.

N.J.S.A. 9:6-8.97 - Citizen Review Panels 1-21-2003

N.J.S.A. 9:6-8.97, which is part of CCAPTA, requires that the Commissioner of the Department of Children and Families designate three (3) citizen review panels to examine and evaluate the child protective services delivery system within the State of New Jersey on an ongoing basis. N.J.S.A. 9:6-8.97e states that panel members shall not disclose any identifying information about a specific child protection case with respect to which the panel is provided information and shall not make public other information unless authorized by State statute. N.J.S.A. 9:6-8.97f authorizes panel members to have access to information necessary to carry out its functions, but not to have access to information which may compromise the integrity of a Division investigation or a civil or criminal investigation or judicial proceeding.

N.J.A.C. 10:129, Information CP&P Provides About CPS Investigations and Finding Determinations 4-1-2013

N.J.A.C. 10:129-7 establishes criteria for notifying clients and alleged perpetrators about the results of CP&P child protective service investigations and service assessments.

N.J.A.C. 10:129-7.8 establishes criteria for notifying the police of substantiated incidents of child abuse or neglect pursuant to the Comprehensive Child Abuse Prevention and Treatment Act, CCAPTA, P.L. 1997, c.175, signed into law July 31, 1997. See N.J.A.C. 10:129 in the Regulations section of the manual.

N.J.A.C. 10:133-1.4, Rights of Applicants and Clients 6-21-2010

Confidential information shall be defined and treated as provided for in N.J.A.C. 10:133G, Client Information. (N.J.A.C. 10:133-1.4(h)) CP&P discloses non-protective service information (child welfare) in accordance with N.J.A.C. 10:133G-3.2.

N.J.S.A. 30:14-1 et seq. - Shelters for Victims of Domestic Violence Act 2-10-98

The Shelters for Victims of Domestic Violence Act, N.J.S.A. 30:14-1 et seq. includes the following provisions:

“Information which may reveal the identity or location of a person seeking shelter services shall not be disclosed, except as otherwise specifically required by law or with the consent of the person seeking shelter services. . . No shelter providing care for a minor who was in the actual custody of a parent at the time the parent applied for shelter services shall release the minor to any person, including the child’s other parent, without the consent of the parent who sought shelter. . .”

If a person seeks or receives shelter care in a shelter for victims of domestic violence, the Worker shall not reveal to anyone the whereabouts of the person without the person’s informed consent. If the person has brought a child to the shelter, the Worker shall not reveal the location of the child.

If a request is received for information regarding anyone who has entered a shelter for victims of domestic violence, the Worker takes the name and number of the person making the inquiry. The Worker does not release any information which would be in violation of N.J.S.A. 30:14-1, but relays the caller’s message to the appropriate shelter residents. The shelter director will also be informed that an inquiry has been received by CP&P.

For information about the handling of reports of domestic violence, see [CP&P-VIII-B-1-100](#), Domestic Violence.

**N.J.S.A. 2A:4A-60 - Disclosure of Juvenile Delinquency and Juvenile Family
Crisis Information 10-5-2009**

Except as noted, N.J.S.A. 2A:4A-60 prohibits the disclosure of records of juveniles charged under that Act, i.e., delinquents or juveniles-families in crisis. These records include, but are not limited to social, medical, psychological, legal and other records of the court, Probation Division, and law enforcement agencies. Such records shall be made available **only** to:

- any court or the Probation Division, except as provided in N.J.S.A. 2A:4A-60.2;
- the Attorney General or County Prosecutor;
- the parent(s) or guardian(s), and to the attorney of the juvenile;
- CP&P, if providing care and custody of the juvenile, or upon obtaining a court order pursuant to N.J.S.A. 9:6-8.40;
- any institution to which the child is currently committed;
- any person or agency interested in a case or in the work of the agency keeping the records, by order of the court for good cause shown.

In addition, the statute allows records of law enforcement concerning juveniles to be disclosed to other law enforcement agencies of this or another state for law enforcement purposes.

A law enforcement agency shall, at the time of a charge, adjudication or disposition, advise the principal of the school where the juvenile is enrolled of the identity of the juvenile charged, the offense charged, the adjudication and the disposition under certain conditions, specified in the statute.

Information provided to the principal under the Act shall be treated as confidential but may be shared with members of the school staff as the principal deems appropriate for maintaining order, safety or discipline in the school or for planning programs relevant to the juvenile's educational and social development.

**N.J.S.A. 2A:4A-60.2, Disclosure, Use of Juvenile's Statement
made in the Course of Screening 10-5-2009**

For juveniles processed under the Act - example: a juvenile entering a detention center - any statement made by a juvenile in the course of a suicide or mental health screening, conducted with or without the juvenile's consent, or reports or records produced pursuant to such screening, shall **not** be:

- a. disclosed to the court, prosecutor, or any law enforcement officer, except by an attorney representing the juvenile and with the juvenile's consent; or
- b. used in any investigation, or delinquency or criminal proceeding involving the juvenile that is currently pending or subsequently initiated.

N.J.S.A. 2A:4A-60.3, Conditions for Disclosure of Juvenile's Information to Court 10-5-2009

Reports or records relating to mental health services provided to a juvenile **prior** to an adjudication of delinquency or a finding of guilt may be disclosed to the court only **after** an adjudication of delinquency or a finding of guilt has been entered, regardless of whether the mental health services were provided with the juvenile's consent. **An attorney representing a juvenile may disclose such reports or records prior to the adjudication of delinquency or finding of guilt, however, with the juvenile's consent.**

Note: The assigned Worker or Court Liaison may provide such reports directly to the juvenile's defense attorney or Law Guardian **prior** to an adjudication of delinquency or a finding of guilt. Direct any questions to the DAG.

N.J.S.A. 26:5C-5 et seq., Release of HIV Information 9-18-96

N.J.S.A. 26:5C-5 et seq. imposes strict limitations on the release of HIV/AIDS-related information.

Administrative Order 2:25, Youth Incentive Program 1-2-2003

Per Administrative Order 2:25, based on legal authority under N.J.S.A. 30:4C-66 et seq., CP&P staff is authorized to share records and information regarding specific child abuse investigations with county Case Assessment/ Resource Teams (CARTs), Child Family Teams (CFTs), and County Interagency Coordinating Councils (CIACCs) conducting individual case assessments. All CART, CFT and CIACC participants sign CP&P Form [8-80](#), DCF Confidentiality Agreement (for Non-Employees), agreeing to abide by all applicable statutes, administrative orders and regulations on confidentiality.

Administrative Order 2:01

2-10-98

Confidentiality in an Agency of the Department of Children and

Families 9-18-96

Per Administrative Order 2:01, all information and records directly or indirectly identifying any client presently or formerly receiving services from CP&P shall be treated as confidential and may only be disclosed or released in the following circumstances:

- Written consent has been obtained from the client identified or his legal guardian, if any, or, if he is a minor, his parent or legal guardian; and
- Disclosure or release is necessary for purposes directly connected with the administration of any program within the Department.

Right to Know - Public

2-10-98

It is the declared public policy of this State that public records shall be readily accessible for examination. A record is deemed "public" if kept by any public agency, while "every citizen of the State shall have a statutory right to inspect such records," N.J.S.A. 47:1A-1 et seq. However, this public policy does not authorize the release of identifying information or records of an individualized nature which are otherwise confidential, pursuant to N.J.S.A. 9:6-8.10a1.f. Examples of the kinds of information and records which are deemed "public," subject to disclosure, are statistical or summary data, budgets, rules and regulations, minutes of public meetings, etc.

Right to Know - Individual

2-10-98

Per Administrative Order 2:01, "A client presently or formerly receiving service from CP&P is entitled to inspect or copy his own records as they may relate to eligibility for or receipt of benefits or assistance. Any other information or records shall be made available to the extent that the client makes a reasonable demonstration of the need to know. A denial should be accompanied by a verbal explanation to the client and the reasons set forth in writing and made a part of the client's records."

Note: The disclosure of child protective service information is further restricted by statute, N.J.S.A. 9:6-8.10a, and administrative code, N.J.A.C. 10:133G.

Record Expunction: Statute and Administrative Code**4-5-2010**

See policy at [CP&P-III-E-2-100](#), Expunction of Records. For retention/expunction of foster home records, see [CP&P-IV-B-4-200](#). For adoption home records, see [CP&P-IV-C-10-200](#).

**N.J.S.A. 9:6-8.40a - Unfounded Allegations of Child Abuse to Be Expunged from Division's Records
8-29-2011**

N.J.S.A. 9:6-8.40a, enacted April 7, 1997, requires DCF to expunge (i.e., delete, destroy) from its records (i.e., paper files) and computer files "all information relating to a report, complaint or allegation of an incident of child abuse or neglect with respect to which the division...has determined, based upon its investigation thereof, that the report, complaint or allegation of the incident was unfounded."

N.J.A.C. 10:129-8 - Expunctions**2-6-2012**

See N.J.A.C. 10:129-8 in the Regulations section of the manual. This rule effectuates N.J.S.A. 9:6-8.40a.

General Policy and Procedure for Disclosure of Client Information**6-18-2001****Policy for Release of Information****5-21-2007**

CP&P policy for disclosure of information -- and restrictions on the disclosure of information -- is based upon the laws, administrative order, and regulations cited in Laws, Regulations and Administrative Orders Governing Disclosure of Information, above.

"A Division employee shall disclose protective service information, with or without a client's consent. . . pursuant to statute, including N.J.S.A. 9:3-54.2 and 9:6-8.10a, when a Division employee determines that the person or agency has made a reasonable demonstration of the need to know the information, such as for conducting meetings to engage families, and in consideration of the risk of harm to the child and others. No person shall have unrestricted review of the records or general access to the information contained therein unless except as otherwise provided by statute or court rule, or unless ordered by a court or the Office of Administrative Law. . ." (N.J.A.C. 10:133G-3.1(a))

A Division employee shall disclose child welfare information only with the client's prior consent, except in an emergency, in which case a Division representative shall advise the client of the request and disclosure at a later time. With the client's consent or in an emergency, a Division employee shall disclose information about that client, subject to the limitations and provisions set forth in 45

CFR 205.50, 45 CFR 1355.21, 45 CFR 1355.30 and N.J.S.A. 30:4-24.3, and only to a person or agency representative who is subject to standards of confidentiality comparable to those of the Division and only to a party who presents a reasonable demonstration of the need to know the information requested, for example, information needed to provide medical, psychological or social services to the child or family, except when restricted by law or N.J.A.C. 10:133G-2.3(a)1. No person shall have unrestricted review of the case record or general access to the information contained therein... (N.J.A.C. 10:133G-3.2)

A Division employee shall disclose third party reports to an agency or person who is subject to standards of confidentiality comparable to those of the Division, such as a physician, psychotherapist, health or mental health agency, when:

1. The Division has guardianship or custody of the child; and
2. Disclosure of the information is necessary for the child's or parent's care, treatment or supervision;
3. Disclosure is not prohibited by law or regulation;
4. The Division employee has considered the risk of harm to the child and others; and
5. The third party has given his or her consent . . . (N.J.A.C. 10:133G-3.3(c))

Disclosure of Client Information Within CP&P

5-21-2007

A division employee shall disclose personal client information within the Division only to those persons who require such information in the course of their jobs and only to the extent necessary. Each Division employee shall obliterate or omit the names of clients and other persons when case record materials or reports are used for training (N.J.A.C. 10:133G-3.5(a)) or as evidence in a disciplinary hearing. Child Abuse Registry information is available only to CP&P, IAIU, and OOL field and support staff investigating a child abuse or neglect complaint, a licensing violation, or screening a referral or a service provider applicant (i.e., a resource parent applicant); specified Area Office, OOL, or Office of Adoption Operations staff screening a prospective CP&P IAIU new hire; or licensing staff conducting a CARL check.

Disclosing Information When Requesting or Collecting Information

10-14-97

Information released by CP&P while collecting information from collateral sources is guided by [CP&P-IX-G-1-200](#). When the case plan necessitates releasing the information to an authorized agency pursuant to N.J.S.A. 9:6-8.10a (see Statute on Confidentiality of

Child Protective Service Information, above), the client's consent is obtained in writing by using CP&P Form [26-15](#), Authorization for Release of Information. If a protective service client is unwilling or unable to consent, and the Worker and Supervisor agree that the release of information is necessary for the care, treatment, or supervision of the child, that information may be released to the authorized agent.

Written material forwarded to an authorized agent under these circumstances requires the approval of the LO Manager. The written material is prepared and forwarded with a cover memo which includes the signature/approval of the Manager. The only exceptions to forwarding written material without consent of the LO Manager are documents to the County Prosecutor, and Child Placement Review Boards, required by agency policies and procedures.

For releasing reports when referring a child to a residential treatment setting, see [CP&P-IV-E-2-100](#), Collection of Supportive Materials - Child Study Team Classification, and [CP&P-IV-E-2-100](#), Program Selection and Referral.

Disclosing the Identity of the Reporter when Requesting or Collecting Information **5-21-2007**

The Division shall not divulge the identity of a reporter, except as indicated in the following situations:

"A Division representative shall not release the name or any other information identifying the person or entity who reported a child fatality or near fatality to the Division to the public or the media . . . , whether or not the reporter gives prior written consent. (N.J.A.C. 10:133G-2.1(c))

Each Division representative shall base his or her determination as to whether the disclosure of the identity of a reporter would be likely to endanger the life or safety of the reporter or other person, or jeopardize the reporter's employment, shall be based upon the Division representative's and his or her supervisor's (i.e., the assigned Worker, assisted by his or her Supervisor) evaluation of the nature and seriousness of the case and an assessment of the propensity for violence and harm or discharge or discrimination. (N.J.A.C. 10:133G-2.1(d))

Before disclosing the identity of a reporter to a current or former CP&P client, first obtain the reporter's consent in writing, as delineated below:

The Division representative shall not disclose any of the following to a current or former client: Any record containing information identifying a third-party source of information, for example, reporter. . . , unless the Division representative receives prior written consent from the third party and disclosure is not prohibited by law or regulation. (N.J.A.C. 10:133G-2.3(a)2)

Requests to Release Third Party Information

5-21-2007

“A Division employee shall not disclose the following forms of third party information to a requester, except as provided by law:

1. Third-party reports, unless the Division receives prior written consent from the third party and disclosure is not prohibited by law or regulation, such as those cited in N.J.A.C. 10:133G-2.3(a)1i, ii, iii, and iv;
2. Information identifying a third-party source of information, for example, the reporter or other family member, unless the Division receives prior written consent from the third party and disclosure is not prohibited by law or regulation; or
3. Information which would, if disclosed to the client, be likely to endanger any person's life or safety as based on the client's known past behavior and threats against himself, herself or others. A Division representative shall base this determination on the Division representative's and his or her supervisor's evaluation of the nature and seriousness of the case and an assessment of the propensity for violence and harm. (N.J.A.C. 10:133G-3.3(a)1, 2 and 3)

When the Division representative requests a third party report to process a residential placement or other service, or apply for government benefits, the Division representative shall inform and obtain the consent of the third party at the time of request that the information may be disclosed to others to obtain a needed service or government benefit.” (N.J.A.C. 10:133G-3.3(b))

When there is a request for a third-party report that the Worker obtained during the course of an investigation, which was not prepared at the request of CP&P, advise the requesting party to request the report directly from the preparer of the report.

Internal agency advice from the Attorney General's Office, in the form of formal or informal written opinion, is considered a confidential attorney/client communication and is not to be released without express authorization. If a staff member wishes to release any Attorney General advice to any person or agency outside the Department of Children and Families, he must first obtain written authorization from the CP&P Office of Legal and Regulatory Liaison, Cost Code #911. OLRL consults with the CP&P Senior

Staff member who supervises the operations addressed in the opinion.

Procedures for Release of Client Information to Persons Other than the Client
6-18-2001

Written Requests **5-21-2007**

“Each person making an inquiry or request for client information shall put the request in writing . . .

1. An agency shall make its request on official agency letterhead.
2. An individual person making a request shall include his or her address or telephone number which can be verified.
3. Any person requesting client information shall include a consent form signed by the client or shall indicate the reason he or she needs to know the information.” (N.J.A.C. 10:133G-3.4(a))

Immediately refer any request for information from the public -- including inquiries from the media -- about the fatality or near fatality of a child under investigation or investigated by CP&P to the DCF Office of Public Information.

“Immediately contact the Office of Legal and Regulatory Liaison, CC# 911, if records are requested in connection with a claim against the State of New Jersey, the Department of Children and Families, or CP&P. Whenever there is reason to believe that a request for examination or copying of records is made in connection with a claim for compensation or damages against the State of New Jersey or State employees, the Attorney General shall be notified prior to honoring the request. The Office of Legal Affairs shall make the notification for the Division.” (N.J.A.C. 10:133G-2.2(e))

A request for information from or on behalf of a minor child must be accompanied by a consent form signed by the parent. (See [CP&P-II-C-6-300](#) for CPS information released to a child victim.)

Requests may be sent through the mail or facsimile machine. Written requests are directed to the CP&P office which serves or last served the client family. See below for handling verbal requests for information.

A Division representative (the Supervisor assigned to the case, or, for closed cases, the office Manager’s Administrative Assistant or the Casework Supervisor) “shall determine whether the person requesting the information can receive the information pursuant to statute and to the provisions of this chapter.” (N.J.A.C. 10:133G-3.4(b)) The Casework Supervisor, assigned Supervisor or

Administrative Assistant must determine if CP&P has the information being requested, and, if so, must obtain the approval of the LO Manager prior to release of the written material.

Any written material is prepared and forwarded under a cover memo signed/approved by the LO Manager. Initial written requests received at the Area or Central Office are forwarded to the appropriate Local Office for processing.

When a request for information involves a closed case, and the record is not in the LO, the Casework Supervisor, office Manager's Administrative Assistant or the Head Clerk contacts the Records Management Unit, CC # 933, to determine the status of the record. If the record is not on microfilm, the LO requests return of the record to the Local Office. If the record is on microfilm, the Casework Supervisor or Administrative Assistant forwards the written request for information, and any accompanying identification, release authorizations, etc., to the Supervisor, Interstate Services Unit, CC 916, for handling.

Requests for Adoption-Related Information 12-27-2011

All court records and information relating to adoption proceedings are sealed upon the legal finalization of the adoption pursuant to N.J.S.A. 9:3-52, Records of Proceedings; Filing Under Seal; Inspection; Change of Birth Record. Since the Division's records contain sealed court records, the Division treats these records as confidential. (N.J.A.C. 10:133G-2.5.)

All closed case inquiries pertaining to an adoption must be submitted with accompanying identification to the Adoption Registry, CC # 966, located in the Office of Adoption Operations. The adult adoptee or adoptive parent uses CP&P Form [14-206A and B](#), Adoption Registry Cover Letter and Application (Adult Adoptee/Minor Child), to request a non-identifying summary of facts regarding the adoption. Upon receipt, the Division discloses to an adult adoptee non-identifying information available in the Division's records in accordance with N.J.A.C. 10:121A-5.9(b)2.

"The Division discloses identifying information to an adult adoptee about any birth family member or other person who has given his or her written consent to the Division." (N.J.A.C. 10:133G-2.5.) Written consent by the birth family member is documented on CP&P Form [14-205A and B](#), Adoption Registry Cover Letter and Adoption Registry Application and Release (Birth Family), and the CP&P [Form 14-207A and B](#), Birth Family Search Cover Letter and Adoption Registry Release (Birth Family Member).

The CP&P Form [14-205A and B](#), CP&P [Form 14-206A and B](#), and CP&P [Form 14-207A and B](#), and their instructions are located in the on-line Forms Manual, Volume X.

See [CP&P-IV-C-1-900](#) Adoption Registry Services to Adoptees and Their Families.

Telephone Requests

5-21-2007

"No Division employee shall disclose client information over the telephone, including whether or not a person is or was known to the Division. . .

When information is urgently needed, the Division representative shall disclose the information after verifying the caller's identity, determining that the caller is authorized to receive the information pursuant to N.J.S.A. 9:6-8.10a or in accordance with N.J.A.C. 10:133G-3.2, and determining that the caller has made a reasonable demonstration of the need to know the information and in consideration of the risk of harm to the child and others" (N.J.A.C. 10:133G-3.4(c) and (d))

Steps taken to verify a telephone caller's identity and authority to seek and receive information from CP&P include:

- a) Determine if the caller is a person to whom represents an agency to which the Division may release information.
- b) Check the caller's agency's telephone number against telephone directory listings.
- c) Call the agency to confirm the caller's current employment and position.

When a telephone request is made by another agency or professional -- i.e., Family Crisis Intervention Unit, a medical doctor, a law enforcement officer, or even another CP&P Office -- and if the Casework Supervisor or designee deems it to be too urgent to await a written request, the situation is referred to or discussed with the Supervisor assigned to the case. If the Supervisor concurs, the appropriate information may be released, either verbally or in writing, after the caller's identity and authority to receive the information is confirmed (steps a to c, above).

Telephone requests from private individuals for information are forwarded to the Supervisor assigned to the case to determine the right of the person to receive the information. If the Supervisor determines the person is not eligible to receive the information and the individual requesting the information disagrees, the caller is referred to the Office Manager for a determination.

Immediately refer any request for information from the public -- including inquiries from the media -- about the fatality or near fatality of a child under investigation or investigated by CP&P to the DCF Office of Public Information.

When CP&P field staff telephone the State Central Registry (SCR) after hours to request case status information from NJS or other assistance, no information may be shared until the staff member's identity is confirmed. One method to identify CP&P staff is for the

SCR Screener to check the caller's Social Security number against a statewide listing kept at the SCR.

Client Consent

5-21-2007

CPS information, governed by N.J.S.A 9:6-8.10a, may not be released solely on the basis of the client's consent. See below for agencies and persons to whom such information may be released.

Other confidential non-CPS information, particular to an individual client, may be released with the client's consent when permitted by law, regulation or policy, and when release of the information is necessary for the client's protection or the provision of services. See below for an outline of applicable laws and regulations.

"Client consent" is written consent by the adult client or his legal guardian, if any. If the client is a minor, written consent of the parent or legal guardian is required. The CP&P Form 26-15, Authorization for Release of Information, is used when CP&P obtains the client's consent to disclose information.

Signed Child Abuse Record Information (CARI) forms are required for CP&P to screen a prospective new CP&P employee, an adoptive parent applicant from a private adoption agency or a family day care provider registrant against the Central Registry.

"A Division employee shall disclose protective service information, with or without a client's consent, only in those circumstances pursuant to statute, including N.J.S.A. 9:3-54.2 and 9:6-8.10a, when a Division employee determines that the person or agency has made a reasonable demonstration of the need to know the information, such as for conducting meetings to engage families, and in consideration of the risk of harm to the child and others. (N.J.A.C. 10:133G-3.1(a)) Emphasis added.)"

"A Division employee shall disclose child welfare information only with the client's prior consent, except in an emergency, in which case a Division representative shall advise the client of the request and disclosure at a later time. With the client's consent or in an emergency, a Division employee shall disclose information about that client, subject to the limitations and provisions set forth in 45 CFR 205.50, 45 CFR 1355.21, 45 CFR 1355.30 and N.J.S.A. 30:4-24.3, and only to a person or agency representative who is subject to standards of confidentiality comparable to those of the Division and only to a party who presents a reasonable demonstration of the need to know the information requested, for example, information needed to provide medical, psychological or social services to the child or family, except when restricted by law or N.J.A.C. 10:133G-2.3(a)1 . . . (N.J.A.C. 10:133G-3.2. Emphasis added.)"

Without Client Consent

5-21-2007

Federal and State laws and regulations prohibit the release of information without the client's consent unless the information is subpoenaed, court ordered, or necessary to identify a child who may be an abused or a neglected child or for the provision of care, protection, treatment, or supervision of a child who may be an abused or a neglected child. When confidential information is released pursuant to these authorities, the client shall be informed unless specifically precluded by a court order.

"A Division employee shall disclose protective service information, with or without a client's consent, only in those circumstances pursuant to statute, including N.J.S.A. 9:3-54.2 and 9:6-8.10a, when a Division employee determines that the person or agency has made a reasonable demonstration of the need to know the information, such as for conducting meetings to engage families, and in consideration of the risk of harm to the child and others." (N.J.A.C. 10:133G-3.1(a)) Emphasis added.

CPS information may be made available to external researchers only upon prior written approval by the CP&P Director.

Subpoena

9-10-91

When client records are subpoenaed or CP&P staff is subpoenaed to testify about a client or his circumstances, the records are identified and reviewed, and the DAG must be notified. Where it is in the best interests of the client, the DAG may file a motion with the court to quash the subpoena.

When CP&P or another State Department is named as the defendant, or when testimony or materials are sought to clarify or challenge State policy, procedures, or operations, notify the respective Area Director and the Office of Legal and Regulatory Liaison (OLRL) upon receipt of the subpoena.

The employee notifies the Area Director and OLRL through supervisory channels in writing, attaching a copy of the subpoena. This notification briefly outlines the matter, identifies the Division or Department affected (CP&P, Human Services, Corrections, etc.), and indicates the testimony or materials required, including the name of the client(s) whose records are subpoenaed.

The CP&P Director and OLRL are advised by the Area Director as appropriate. OLRL notifies appropriate personnel in the other Division or Department when that agency is affected. The Attorney General's office will be consulted.

In all cases where immediate response is required (less than three days), the outlined procedure is carried out by telephone, with written notification sent by facsimile machine, whenever possible, or sent by inter-office mail by the next working day.

Disclosure of HIV Information

9-9-2013

CP&P records may include information about the HIV status of children, parents and other persons. Except as permitted by this policy, CP&P staff does not disclose HIV information to persons or entities outside of DCF.

Pursuant to N.J.A.C. 8:61-5.1, CP&P may disclose a child's HIV status to full-time caregivers, including resource parents and providers of congregate care, including group homes, treatment homes, and residential facilities. These disclosures do not require the consent of a child's parent or guardian.

Either CP&P or a child's full-time caregiver may also disclose a child's HIV status to persons directly involved in the child's medical diagnosis or treatment, including doctors, dentists, paramedics or school nurses.

Other disclosures of HIV-related information shall be permitted only in extraordinary circumstances with the approval of the DCF Privacy Officer.

Disclosure of Information - Court-Related Matters or Agencies **2-10-98**

Litigation

5-21-2007

"A Division employee shall disclose client information to a Deputy Attorney General, Department of Law and Public Safety, Division of Law, representing the Division." (N.J.A.C. 10:133G-3.5(c)) When CP&P initiates litigation, all information in the CP&P case record is available to the DAG assigned to CP&P. See below for additional situations in which CP&P releases information to the DAG. This includes adverse information that CP&P will not rely on in court. When CP&P is involved in litigation, all moving papers (i.e., complaints, orders to show cause, affidavits) must be made available to the attorneys for all parties through the DAG. If a DAG has not been assigned to a particular case, forward any request for information relevant to the court papers to OLRL. "Staff of the Department's Office of Legal and Regulatory Affairs, the Commissioner or Chief of Staff of the Department of Children and Families or each Director of an office or Division of the Department of Children and Families shall have the authority to request and receive all information about Division clients." (N.J.A.C. 10:133G-3.5(b))

"Report of the Division"

9-18-96

All information in the record which is a "Report of the Division" will be made available to the attorneys for all parties in the litigation only through an Order of the

Court. "Report of the Division" includes case recordings and any documents in the records which were initiated by the Division (for example, a professional report about the client which was compiled at the request of the agency). Reports in the case record which would not be considered a "Report of the Division" are those which were sent to the Division either at the request of the Division or for some other reason, but which were not written or compiled originally for use by the Division (example: child study team reports).

Limit of Discovery

9-1-95

Discoverable information is that information which CP&P is required by law or subpoena to divulge to any or all parties in the litigation. CP&P may bar or limit access to discoverable information by obtaining a court order. CP&P may be granted this protection of records when the court determines that there is good cause. Good cause is based upon the showing of harm to the child, another client, the referent, or another person if the information is shared.

Inform the DAG when there is a need to protect particular material from discovery. Give the DAG the specific reasons for the need for protection. If the DAG does not find a basis to request protection of information, but the Local Office still believes there is good cause, the case should be referred to the Area Director for resolution.

Attorneys Representing Parties in Litigation

6-18-2001

Deputy Attorney General (DAG)

5-21-2007

"A Division employee shall disclose client information to a Deputy Attorney General, Department of Law and Public Safety, Division of Law, representing the Division. (N.J.A.C. 10:133G-3.5(c))"

If a DAG requests information on a case in which CP&P and the client are not involved in litigation, the DAG must specify the purpose for requesting the information. If the purpose does not appear reasonable, the situation is referred to the Area Director for resolution. If the purpose for the request is reasonable, the Litigation Specialist or Casework Supervisor may release the information to the DAG.

If a DAG requesting the information is not known to the office from which the information is requested, his identity and status as a DAG must be verified. If a DAG not representing CP&P requests information, he should be reminded of the confidential nature of CP&P cases and referred to a DAG who is assigned to CP&P.

Legal Counsel for the Child

6-18-2001

N.J.S.A. 9:6-8.10a1.b.(17) permits CP&P to release information to the legal counsel of a child, whether court-appointed or retained, when information is needed to discuss the case with CP&P in order to make decisions relating to the child.

Consult the DAG upon receipt of a request for case information from a child's legal counsel. The DAG determines what information to release.

Attorney for the Parent or Guardian 6-18-2001

N.J.S.A. 9:6-8.10a1.b.(17) permits CP&P to release information to the legal counsel of a parent or guardian, whether court-appointed or retained, when information is needed to discuss the case with CP&P in order to make decisions relating to the child.

Consult the DAG upon receipt of a request for case information from a parent's/guardian's attorney. The DAG determines what information may be released.

"Pursuant to N.J.S.A. 9:6-8.10a.b(6), the Division shall disclose records and reports of child abuse when a court or the Office of Administrative Law determines that it is necessary for determination of an issue before the court or the Office of Administrative Law. Such records may be disclosed by the court or the Office of Administrative Law in whole or in part to the law guardian, parent's attorney or other appropriate person upon a finding that such further disclosure is necessary for determination of an issue before the court or the Office of Administrative Law". (N.J.A.C. 10:133G-2.1(b). Emphasis added.)

Disclosure to Child Placement Review Boards

9-18-96

CP&P and the Child Placement Review Board (CPRB) share information about each child in out-of-home placement and the client family throughout the time the child is in a reviewable

situation. CP&P and CPRB members are obligated to treat as confidential all information gathered or received about a client. CP&P may release client information to the court and review boards in accordance with the guidelines set forth in the Attorney General Opinion regarding The Discovery of CP&P Records. See [CP&P-IX-L-1-500](#), Protective Services Litigation Manual.

When CP&P believes that certain information should be withheld from a party attending the review, the Worker advises the court and the review board in writing.

If a child re-enters placement due to an adoption dissolution and the Child Placement Review Board requests historical information regarding the child, the CPRB should first attempt to secure this information from its own records or from the CPRB in the county where the child resided before the adoption. If this information is unavailable and the CPRB requests this information from CP&P, then CP&P supplies only that information which does not violate the statutory seal on court records regarding adoption proceedings and the CP&P policy of confidentiality. Any identifying information regarding the birth parents is treated as strictly confidential and is not released. If there are third party reports contained in the record that might supply pertinent information regarding the child's past, then all identifying information (i.e., parents' names, siblings' names, addresses, etc.) is removed before submittal.

Disclosure to CWA CSPU for the Pursuit of Court Ordered Child Support 9-19-96

When a child is placed in an out-of-home setting by or through the Division, CP&P notifies the Child Support and Paternity Unit in the local County Welfare Agency (CWA CSPU) of the placement, to enable that agency to pursue child support on behalf of CP&P from the child's legally responsible person(s) -- the child's parent(s) and/or spouse/civil union partner. CP&P provides identifying information about the child's legally responsible person(s) to the CWA CSPU on a Referral for Support Evaluation, CP&P Form [26-1](#). See Forms Manual, Volume X. CP&P does not disclose CPS-related information to in court against the child's legally responsible person(s) in accordance with N.J.S.A. 30:4C-29.1 et seq. See Support Procedures, [CP&P-IX-F-1-225](#).

Disclosure to Family Crisis Intervention Unit (FCIU) 9-18-96

Disclosure of Information to a Court or the Office of Administrative Law, or to Comply with a Court Order 6-18-2001

The disclosure of information to a court of competent jurisdiction is permitted upon an order of the court, or upon a court's finding that

such information may be necessary for the determination of an issue before it.

“Pursuant to N.J.S.A. 9:6-8.10a.b(6), the Division shall disclose records and reports of child abuse when a court or the Office of Administrative Law determines that it is necessary for determination of an issue before the court or the Office of Administrative Law. Such records may be disclosed by the court or the Office of Administrative Law in whole or in part to the law guardian, parent’s attorney or other appropriate person upon a finding that such further disclosure is necessary for determination of an issue before the court or the Office of Administrative Law. (N.J.A.C. 10:133G-2.1(b))”

CP&P must comply with court orders for the release of client information from its records (case records, NJS, etc.). If CP&P staff believe that release of sensitive information to the court could result in it being shared with other parties which would be detrimental to the child or the family if so shared, CP&P consults with the Deputy Attorney General about a request to limit the disclosure.

N.J.S.A. 9:6-8.10a makes confidential all records of child abuse reports and all information obtained by CP&P in investigating such reports. The statute provides criminal penalties for the unauthorized release of this information. If a court requests CPS information without an order, consult the DAG to determine whether to release the information or withhold it until an order for its release is issued.

Grand Jury

9-18-95

A Grand Jury may review CPS and non-CPS information by subpoena only.

Information Sharing Procedures During CASA Involvement

8-26-2013

The Court Appointed Special Advocate (CASA) program provides trained community volunteers to advocate for the best interests of children who come into the court system primarily as a result of abuse and neglect. A CASA volunteer serves as Guardian ad Litem for a child, assists the Law Guardian who represents a child, or serves as an independent third party “friend of the court.” The CASA volunteer provides recommendations to the Superior Court Judge and, for children in out-of-home placement, to the Child Placement Review Board. The court shall provide a copy of the court order appointing the CASA to the child’s parent(s), resource family parent(s), CP&P Worker, and other interested parties to the litigation.

A CASA volunteer is appointed by a judge to provide the Court with

independent and objective information regarding the status of a child involved in abuse and/or neglect cases coming to the attention of the court, or for a child who is in out-of-home placement through other means or circumstances.

A CASA volunteer is assigned to a case by the Family Court Judge, at the discretion of the judge. The CASA volunteer is responsible for conducting a thorough review of the child's case, including interviewing parents, children, resource family parents, school personnel, helping /treating professionals, etc.; gathering reports and relevant information; documenting information gathered; and monitoring compliance with the court order. The mandate of the CASA volunteer is to assist the Court in assuring that the best interests of the child are served in relation to the child's right to a safe and permanent living environment.

A CASA volunteer's functions include, but are not limited to:

- Providing advocacy for abused and/or neglected children who are the subject of judicial proceedings under N.J.S.A. 30:4C et seq. or N.J.S.A. 9:6-8.27, 28, or N.J.S.A. 2A, and to whom the judge has assigned a CASA volunteer;
- Providing independent, factual information and report these findings to the court;
- Conducting independent assessments and analysis of the circumstances of the children to whom the CASA is assigned;
- Monitoring cases assigned until the terms of the court orders have been fulfilled and a permanent plan is in place;
- Insuring advocacy for the child's best interest in judicial proceedings as stipulated by the judge;
- Communicating recommendations, suggestions, and findings to the CP&P Worker; the child, when appropriate, based on age and ability to understand; and the child's family in a timely manner;
- Monitoring cases following a court hearing or decision, as designated by the court;
- Participating in appropriate meetings that pertain to the assigned child, including, but not limited to:
 - Multidisciplinary team meetings;
 - Administrative reviews;
 - Case conferences;
 - Individual Educational Plans (IEP);
 - Family Team Meetings (conducted by CP&P); and
- Working collaboratively with all involved and interested

parties.

CP&P may share confidential information from the child's case record with the CASA volunteer when CASA is involved in a case.

Before sharing **any** information with a CASA volunteer about a child or family, the CP&P Worker must:

- Assure that the volunteer is a representative of CASA (e.g., obtain a letter of introduction on CASA letterhead, ask to see an identification card, etc.); and
- Obtain a copy of the filed order of the court assigning the child's case to CASA.

Guidelines for information sharing between CP&P and a CASA volunteer shall be within the parameters of CP&P-Child Placement Review Board information sharing with the following exceptions:

- In cases where CP&P staff believes that the release of sensitive information would be detrimental to the child, a specific family member or other individual named in the CP&P case record, CP&P consults with the Deputy Attorney General for guidance on limiting the disclosure of information;
- CP&P litigation materials being prepared for court -- complaints, affidavits, etc. -- may not be shared with a CASA volunteer prior to the court proceeding; and
- Documentation of disputes among CP&P staff about case plans for a family or a child may not be shared with a CASA volunteer.

Information sharing procedures during CASA involvement include:

- CP&P shall provide the CASA volunteer access to the child's case record as appropriate and as specified in the court order;
- The child's case record, or any part thereof, may not be removed from the CP&P Local Office. Copies of documents may be made with the knowledge and approval of the Supervisor assigned to the case; and
- Communication between CASA and CP&P may be by telephone, cellular phone, fax, e-mail, or any combination thereof.

Information gathered by CSA must be safeguarded from disclosure to unauthorized persons; however, privilege of confidentiality does not apply to the Court or any party authorized by the Court. Case information must be shared in accordance with the guidelines established by the Administrative Director of the Courts and the

Rules of Court on sharing discoverable information, simultaneously and sufficiently in advance of court proceedings and/or Child Placement Review Board meeting.

Click here to see CP&P Form [5-79](#), Mutual Agreement of Understanding, MOU, Between County CASA Programs and the NJ Division of Child Protection and Permanency Local Offices. This form is available for use by the Local Office Manager and Area Director to develop an MOU with their local County CASA Program. The form is an on-line template which provides a detailed description of the roles and responsibilities of the CASA volunteers and CP&P Workers, how a CASA assignment is made by the Court, confidentiality policy, and the procedures for information sharing and conflict resolution between CASA volunteers and CP&P Workers. Consult your Local Office Manager regarding any current local County CASA MOU in effect for your Local Office.

Disclosure of Client Information to CP&P Clients, Referents, and Direct Service Providers 6-18-2001

Adult Client 6-18-2001

Except as indicated below, an adult client is entitled to know what information is being collected by CP&P, how it will be used, and who will have access to the information.

A client currently or formerly receiving services is entitled to inspect or copy his own records as they relate to financial eligibility for or receipt of services or assistance.

Limitations to the Release of Information to Clients - Third Party Reports 5-21-2007

“The Division representative shall not disclose any of the following to a current or former client:

1. Any third-party report, unless the Division representative receives prior written consent from the third party and release is not prohibited by law or regulation. The following statutory provisions restrict disclosure:

- i. Juvenile-Family Crisis information in N.J.S.A. 2A:4A-60;
- ii. Human Immunodeficiency Virus (HIV) information in N.J.S.A. 26:5C-5 et seq.;
- iii. Drug and alcohol treatment records in 42 CFR 2.1 et seq.; and
- iv. Domestic violence information in N.J.S.A. 30:14-1 et seq. and N.J.A.C. 10:130-

2.8;

2. Any record containing information identifying a third-party source of information, for example, reporter, other family member, collateral contact, unless the Division representative receives prior written consent from the third party and disclosure is not prohibited by law or regulation;

3. Information about another person, except with the express written consent of the other person and when not prohibited by law or regulation; or

4. Information which would, if disclosed to the client, be likely to endanger any person's life or safety as based on the client's known past behavior and threats against himself, herself or others. The Division representative shall base the determination on the Division representative's and his or her supervisor's evaluation of the nature and seriousness of the case and an assessment of the client's propensity for violence and harm to the child and others." (N.J.A.C. 10:133G-2.3)

See below for limits to the release of protective service information.

**Limitations to the Release of CPS
Information to the Parent or Legal Guardian
5-21-2007**

"A Division representative shall disclose only such protective service information to the parent or legal guardian" as is authorized pursuant to N.J.S.A. 9:6-8.10a.b. (N.J.A.C. 10:133G-2.1(a))

N.J.S.A. 9:6-8.10a states that "nothing may be disclosed which would likely endanger the life, safety or physical or emotional well-being of a child or the life or safety of any other person or which may compromise the integrity of a Division investigation or a civil or criminal investigation or judicial proceeding." If CP&P denies access to specific information on this basis, the parent or guardian may seek disclosure through the Chancery Division of the Superior Court.

In addition, a parent or guardian may seek CPS information from CP&P when appealing a CP&P service or status action or a Substantiated finding of child abuse or neglect upon a determination by CP&P

or the presiding Administrative Law Judge that such disclosure is necessary for a determination of the issue on appeal. N.J.S.A. 9:6-8.10a(b)12.

“No current or former client shall have unrestricted review of the Division records or general access to the information contained therein, except as otherwise provided by statute or court rule.” (N.J.A.C. 10:133G-2.2(b))

“Each Division representative shall base his or her determination as to whether the disclosure of the identity of a reporter would be likely to endanger the life or safety of the reporter or other person, or jeopardize the reporter’s employment, upon the Division representative’s and his or her supervisor’s evaluation of the nature and seriousness of the case and an assessment of the propensity for violence and harm or discharge or discrimination”. (N.J.A.C. 10:133G-2.1(d))

If the Division initiates court action, parents may receive written material per guidelines in [CP&P-IX-F-1-225](#), Protective Services Litigation Manual. See, Attorneys Representing Parties in Litigation.

Notification of CPS Investigation Findings 4-1-2013

N.J.A.C. 10:129-7.6, Notification of finding, and N.J.A.C. 10:129-7.8, Other notification at conclusion of investigation, stipulate to whom CP&P shall and may release the findings of its child abuse and neglect investigations, what information shall be released, and the time frame for release of such information.

“(a) The Department representative shall provide notification of the finding to those persons specified in (c) through (e) below. The Department representative shall delay the notification as long as the delay does not appear to put the alleged child victim at risk, when a case is in litigation or a report is under criminal investigation and the police, prosecutor, or deputy attorney general has determined that notification of the investigation findings to persons in (c) through (e) below, would interfere with the litigation.

1. A Department representative shall

consult with the deputy attorney general before a finding of unfounded or not established is made on a case in litigation.

2. The Department representative shall provide written notification by either personal service or regular and certified mail to the perpetrator of each substantiated allegation.

3. The Department representative shall provide written notification of the finding by regular mail to those persons specified in (d) and (e) below.

(b) The child protective investigator shall notify persons specified in (c) through (e) below of the finding no later than 10 days from the date upon which the Department made a finding of substantiated or unfounded, unless for good cause approved by a supervisor.

(c) The child protective investigator shall advise each person identified as a perpetrator in a report of substantiated abuse or neglect that:

1. He or she has been identified as a confirmed perpetrator of abuse or neglect;
2. His or her name and identifying information are entered into the Department's child abuse registry, pursuant to N.J.S.A. 9:6-8.11; and
3. He or she shall have an opportunity to dispute a finding of substantiated abuse or neglect, in accordance with N.J.A.C. 10:120A.

(d) The child protective investigator shall advise each alleged perpetrator of the finding, when a report is unfounded, except as limited by (a) and (b) above.

(e) The child protective investigator shall advise the following people that the investigation has been completed and the finding of the investigation, upon completion of the investigation:

1. The caregiver with physical custody at the time of the incident;
2. The parent with whom the child normally resides;

3. The parent to whom the alleged child victim will be returned, if the alleged child victim was in an institution at the time of the incident; and

4. The institutional caregiver or chief administrator of the institution, if the alleged child victim was in institutional placement.
(N.J.A.C. 10:129-7.6)

(a) The child protective investigator shall advise the following people whether further services shall be offered or provided to an alleged child victim or to his or her family, upon completion of the investigation:

1. The caregiver with physical custody at the time of the incident;
2. The parent with whom the child normally resides; and
3. The parent to whom the alleged child victim will be returned, if the alleged child victim was in an institution at the time of the incident.

(b) The child protective investigator shall advise each alleged child victim of the following information, upon completion of the investigation:

1. That the investigation has been completed;
2. The finding of the investigation; and
3. What efforts will be made to protect him or her from further harm and how such protection will occur.

(c) The child protective investigator shall advise each alleged child victim of the information specified in (b) above, in a manner determined to be consistent with and appropriate to the alleged child victim's age, condition and ability to understand the basis for the Department's involvement; the alleged child victim's ability to cope with the information; and the alleged child victim's ability to participate in the development, discussion or implementation of the case plan pursuant to N.J.S.A. 9:6-8.10a(c).

(d) The child protective investigator may, and upon written request shall, advise the reporter of the

disposition of the investigation, pursuant to N.J.S.A. 9:6-8.10a(b)(18).

(e) The child protective investigator shall forward information within 10 days from the date upon which the child protective investigator makes a substantiated finding, pursuant to N.J.S.A. 9:6-8.10a(e), to the police in the jurisdiction where:

1. The child victim resides;
2. The incident of abuse or neglect occurred; and
3. The child victim may be at risk of future harm.

(g) The child protective investigator shall advise the police that the information provided must be kept confidential pursuant to N.J.S.A. 9:6-8.10a(e), in the notification, whereby the police shall be prohibited from sharing the information with anyone except as authorized under the provisions of N.J.S.A. 9:6-8.10a.

(h) The child protective investigator shall advise the police, in writing, to destroy the information regarding the substantiated report, if a substantiated finding is later reversed by an appeal, a court order, or an internal Departmental decision, and a Department representative had notified the police of the substantiated report in accordance with (e)...above.

(i) The child protective investigator may advise others, including the non-custodial parent," of the finding only as permitted by N.J.S.A. 9:6-8.10a. (N.J.A.C. 10:129-7.8)

Each person named as the alleged perpetrator in a report where child abuse or neglect was Established or Not Established shall be advised of the finding.

Note: On April 1, 2005, "Not Substantiated" was eliminated as a CP&P finding determination. For all CPS reports received on or after April 1, 2005, CP&P and IAIU must make a definitive finding of whether a child is abused or neglected (i.e., Substantiated or Established) or not (i.e., Not Established or Unfounded). On April 1, 2013, "Established" and "Not Established" took effect as DCF investigation finding determinations. See [CP&P-II-C-6-100](#), CPS

Investigation Finding Determinations - Four (4) Tier Findings.

See CP&P Forms [9-28](#), 9-28a, 9-30, 9-36, 9-37, and 9-38 for specific individuals who are notified of the findings of a child abuse or neglect investigation. Letters are/will be available in both English and Spanish. See also CP&P Form [26-64](#), Letter to Reporter/Referral Source.

See [CP&P-II-C-6-300](#), Notification of Investigation Findings, and [CP&P-III-C-7-100](#), Applicant's and Client's Rights and Responsibilities.

Notice Required When a Finding Is Reversed 8-9-2010

When a finding is reversed during the appeal process by DCF or a court action, or during a case practice review, previously identified perpetrators/appellants, parent(s), and other appropriate parties must be notified. See [CP&P-II-C-6-300](#), When a "Substantiated" Finding Is Reversed, for notification policy and procedures.

For investigations conducted prior to April 1, 2005, findings may be reversed to "Not Substantiated." Not Substantiated was eliminated as a finding determination for CPS reports received on or after April 1, 2005.

Procedures for Client Requests for Non-CPS Information 5-21-2007

"A Division representative shall disclose to a current or former client other child welfare information from the client's record to the extent that the client makes a reasonable demonstration of the need to know. In general, each Division representative shall consider the client's statement of the need for the information as a reasonable demonstration, unless the Division has a compelling reason not to disclose the requested information, such as when the Division determines that disclosure of such information would be likely to endanger any person's life or safety. The determination shall be based on the Division representative's and his or her supervisor's professional judgment or that of another professional who has evaluated the nature and seriousness of the case and an assessment of the client's propensity for violence and harm as based on the client's known

past behavior and threats against himself, herself or others. If the Division representative denies the disclosure of the child welfare information to the client, the Division representative shall:

1. Give the client a verbal explanation of the reason for denial; and
2. Outline the reasons for denial in writing and make this a part of the client's record". (N.J.A.C. 10:133G-2.2(d))

Minor Client

5-21-2007

"A current or former minor client may receive information contained in the Division's case record, which has not been previously disclosed, through a request made by the minor client's parent, except when the circumstances in (b) below apply. (N.J.A.C. 10:133G-2.4(a))

When providing information to a minor client, the Division representative (i.e., the assigned Worker) shall present that information in a manner determined by the Division representative to be consistent with and appropriate to the minor client's age or condition, to enable the minor client to understand the basis for the Division's involvement, the minor client's ability to cope with the information, and, for a current minor client, the minor client's ability to participate in the development, discussion or implementation of the case plan pursuant to N.J.S.A. 9:6-8.10a.c. Information which may be disclosed on behalf of a minor client is limited in the same manner as described in N.J.A.C. 10:133G-2.1 through 2.3. (N.J.A.C. 10:133G-2.4(b))

A Division representative may make an exception to the parental request requirement when:

1. The information sought is not restricted by law, regulation, or policy; and
2. The requirement of parental involvement would interfere with the child's right to privacy . . . or interfere with other rights the child may have as a result of circumstances making him or her an emancipated minor." (N.J.A.C. 10:133G-2.4(c))

Former Clients

6-18-2001

Procedures When a Former Client Requests CPS Information 6-18-2001

N.J.S.A. 9:6-8.10a does not authorize release of records and reports to a former client about a child abuse or neglect referral, investigation, and finding

determination.

Procedures When a Former Client Requests Non-CPS Information

5-21-2007

“A client currently or formerly receiving services may inspect or copy his or her own records as they relate to financial eligibility for or receipt of benefits or assistance. (N.J.A.C. 10:133G-2.2(c))

A Division representative shall disclose to a current or former client other child welfare information from the client's record to the extent that the client makes a reasonable demonstration of the need to know. In general, each Division representative shall consider the client's statement of the need for the information as a reasonable demonstration, unless the Division representative has a compelling reason not to disclose the requested information, such as when the Division determines that disclosure of such information would be likely to endanger any person's life or safety. The determination shall be based on the Division representative's and his or her supervisor's professional judgment or that of another professional who has evaluated the nature and seriousness of the case and an assessment of the client's propensity for violence and harm, as based on the client's known past behavior and threats against himself, herself, or others. If the Division representative denies the disclosure of the child welfare information to the client, the Division representative shall:

1. Give the client a verbal explanation of the reason for denial; and
2. Outline the reasons for denial in writing and make this a part of the client's record”. (N.J.A.C. 10:133G-2.2(d))

Information which a former client may reasonably need to know includes, but is not limited to:

- non-identifying, non-CPS information regarding his background and experiences in foster care or other out-of-home placement;
- medical or psychological information about himself or his family as it relates to genetic or inherited conditions;

- physical descriptions of family members, including siblings;
- first names and birth dates of full and half siblings;
- years in which out-of-home placements occurred;
- the number of placement changes disruptions experienced by the former client as a child.

If the CP&P response is in writing, it may be presented in the form of a Life Book, or as a narrative report.

Information that identifies or would lead to the identity of a former caregiver shall not be released without the consent of that caregiver. If the requesting former client is a minor, parental consent is necessary.

To determine who in CP&P should handle the request for information (i.e., which office unit),

Adoptees (Adult or Minor)

12-27-2011

“All court records and information relating to adoption proceedings are sealed upon the legal finalization of the adoption pursuant to N.J.S.A. 9:3-52. Since the Division’s records contain sealed court records, each Division employee shall treat these records as confidential. The Division representative shall disclose to an adult adoptee non-identifying information available in the Division’s records in accordance with N.J.A.C. 10:121A-5.9(b)2. The Division representative shall disclose identifying information to an adult adoptee about any birth family member or other person who has given his or her written consent to the Division.” (N.J.A.C. 10:133G-2.5) See [CP&P-IV-C-1-900](#), Requests for Information on Birth Parents Birth Family, [CP&P-IV-C-1-900](#), Requests from Adults Who Were Adopted Through CP&P and, Adoption Registry Services to Adoptees and Their Families. Also see CP&P [Form 14-205A and B](#), Adoption Registry Cover Letter and Adoption Registry Application and Release (Birth Family), CP&P [Form 14-206A and B](#), Adoption Registry Cover Letter and Application (Adult Adoptee/Minor Child) and CP&P [Form 14-207A and B](#), Birth Family Search Cover Letter and Adoption Registry Release (Birth Family Member) located in the on-line Forms Manual, Volume X.

Disclosure to Day Care Providers About CP&P Client Families Being Served 2-10-98

The Division’s disclosure of information to a day care provider who gives day care services to a CP&P client family shall be limited to that information which is necessary for the provision of quality care and services. See below for release procedures. The identity of a CPS referent is not released. Family day care parents, in-home child care providers and child care center providers are advised of

their responsibility to maintain confidentiality of the information released to them.

**Disclosure to Resource Parent Relating to a Child in Care
9-18-96**

All information necessary to the provision of care and supervision of a child is shared with a resource parent or their sponsoring agency. The identity of a referent is not released. Resource and pre-adoptive parents are advised of their responsibility to maintain confidentiality of the information released to them. See CP&P Form [5-5](#), Resource Family Parent Agreement.

For release of HIVAIDS-related information about children placed in resource homes, see Disclosure of HIV Information, above.

Reporter 4-4-2005

See [CP&P-II-C-6-300](#), Advising the Reporter (of Investigation Findings).

Disclosure of Client Information to Other Social Service Agencies, Professionals and Authorities 6-18-2001

General Release Provisions 2-10-98

In strict accordance with N.J.S.A. 9:6-8.10a, CPS information may be released to:

- an agency responsible for the care, treatment, protection or supervision of, or the provision or coordination of services to a child who is the subject of an abuse or neglect referral or investigation;
- an agency authorized to investigate a report of child abuse or neglect; or
- an agency responsible for the care, treatment, or supervision of such child's parent.

The information released must be necessary to the child's or parent's care, treatment, or supervision, or needed to investigate an allegation of child abuse/neglect. Nothing may be disclosed, however, that would likely endanger the life, safety or physical or emotional well-being of the child or the life or safety of any other person, or compromise a CP&P, other civil, or criminal investigation or a judicial proceeding. Parental consent to release should be obtained in writing before CP&P shares the information. Release without parental consent is permissible when necessary for the care, treatment, or supervision of the child, or to conduct an investigation. CP&P advises the parent of the disclosure as soon as possible. Information may be given over the telephone if the

caller's identity is verified via procedures described below. Information may also be forwarded by facsimile machine.

The identity of a referent is not released.

Confidential non-CPS information which is relevant and necessary to the provision of services may be released to agencies and helping professionals authorized to provide social services and to whom the client has applied or been referred for services. Such agencies include a County Welfare Agency, mental health clinic, family services agency or other recognized social services agency. Release is restricted to those persons or agency representatives who need the information to provide the identified service. When disclosing information, CP&P reiterates that the information must be kept confidential.

Confidential CPS and non-CPS information may also be released to various judicial- or government-related entities, agencies, panels and boards that conduct official business concerning children and families, including: a court or the Office of Administrative Law; a grand jury; a State legislative committee; a Federal, State or local government entity with statutory responsibility to protect children from abuse and neglect; a citizen review panel; and the State's Child Fatality and Near Fatality Review Board.

In addition, confidential CPS information relating to CP&P CPS finding determinations may be released to agencies authorized by statute to use such information to screen applicants for employment, volunteers or other positions which entail supervising, caring for or providing for the needs of children, including family day care providers, private agency adoptive parent applicants and child care center employees. Information may also be released to any person or entity conducting a disciplinary, administrative or judicial proceeding to determine terms of employment or continued employment of an officer, employee or volunteer with an agency or organization providing services to children.

CPS and non-CPS information may be released to persons appealing CP&P service or status actions or substantiated findings of child abuse/neglect and/or their attorneys or representatives upon a determination by CP&P or the presiding Administrative Law Judge that disclosure is necessary for determination of a matter on appeal.

Out-of-State Agencies

9-18-96

When a family receiving protective services moves out of state, all specific information regarding the allegation or evidence of abuse or neglect and the current risk of harm to the child may be summarized and sent to an appropriate out-of-state CPS agency designated in N.J.S.A. 9:6-8.10a.

Non-CPS information may be released to out-of-state social services agencies in accordance with the General Release Provisions described below.

County Welfare Agencies

4-4-2005

County Welfare Agency service Workers may have access to client records when clients are mutually supervised by, and receiving services from, CP&P and the Division of Family Development (DFD). Income Maintenance Workers may not have access to CP&P client records or the Child Abuse Registry.

CP&P provides identifying information to the County Welfare Board's Child Support and Paternity Unit (CSPU), including the name, address, home telephone number, social security number, and last or present place of employment of both parents of a child placed out of home, and the child's spouse/civil union partner, to facilitate CSPU claiming child support payments on behalf of CP&P. For details see [CP&P-IX-F-1-225](#).

CARTs and CIACCs

1-2-2003

In accordance with Administrative Order 2:25 and N.J.S.A. 9:6-8.10a, CP&P may share CPS and non-CPS information with Child Assessment/Resource Teams (CARTs), Child Family Teams (CFTs), and County Interagency Coordinating Councils (CIACCs) upon referral.

A representative of New Jersey Protection and Advocacy, Inc., or the Office of the Public Defender may attend a CART meeting on behalf of a particular child. CP&P may share relevant CPS records with representatives from either agency in attendance. Neither New Jersey Protection and Advocacy, Inc., nor the Office of the Public Defender has any general right to receive notice of or to attend CART proceedings, however.

Child Advocates: Office of the Public Defender and New Jersey Protection and Advocacy, Inc. 6-9-2003

The Office of the Public Defender provides numerous advocacy services to the citizens of New Jersey. One of those services is the provision of Child Abuse and Neglect Investigations by the Public Defender Conflict Investigation Unit within the Law Guardian Program when a conflict of interest is identified which prevents CP&P from carrying out this mandate. New Jersey Protection and Advocacy, Inc. has been designated by State Executive Order as the Federal protection agency to investigate instances of abuse or neglect that occur in institutions which affect individuals -- including children -- who have developmental disabilities or mental illness.

CP&P staff directs any requests for case information from the

Office of the Public Defender or New Jersey Protection and Advocacy, Inc. to the CP&P Office of Legal and Regulatory Liaison (OLRL). An OLRL staff member assigned to CP&P forwards the request through the Office of Legal, Policy and Legislative Affairs to the Attorney General's Office for review and approval.

Information identifying individual clients shall not be released without written client consent, subpoena or court order.

Public Defender Conflict Investigation Unit 6-9-2003

CP&P and the Office of the Public Defender entered into a Memorandum of Understanding in order to clarify the circumstances under which cases identified as a conflict are referred to the Public Defender Conflict Investigation Unit.

After receipt of mandatory or permissible referrals from CP&P, the Public Defender Conflict Investigation Unit, PDCIU, investigates certain CPS allegations on behalf of or instead of CP&P, serving as an objective third-party, conducting the investigation in order to avoid any direct conflict of interest for the Division or the potential of a conflict of interest.

The PDCIU investigates the following types of situations pursuant to the formal Understanding between CP&P and that agency:

- All complaints of incidents of alleged child abuse or neglect by CP&P employees while in the course of their official duties;
- Allegations of child abuse or neglect by current CP&P employees toward their own families or otherwise not in the course of their official duties;
- Allegations that an immediate household member or a relative of a current CP&P employee abused or neglected a child;
- Allegations of child abuse or neglect by CP&P foster parents or pre-adoptive parents. Such referrals are unusual, but permissible and may be made at the discretion of the CP&P Deputy Director, Program Operations, following consultation with the Public Defender; and
- Allegations of child abuse or neglect by other individuals, when a CP&P investigation of those individuals may create a potential conflict of

interest due to those individuals' professional interaction with CP&P. (Such referrals are permissible and may be made at the discretion of the CP&P Deputy Director, Program Operations, following consultation with the Public Defender.)

The Department of Children and Families further recommends that CP&P refer any abuse and neglect investigation or complaint to the PDCIU when the objectivity of a CP&P employee is, or may be impaired, e.g., allegations of child abuse or neglect by an individual who is not related to or is not a household member of a current CP&P employee, but whose relationship with a CP&P employee is such that there would be the potential for a conflict. The PDCIU may investigate these situations on behalf of CP&P in order to avoid a conflict of interest.

In accordance with the agreement, CP&P provides information upon referral to and/or upon request of the PDCIU, to facilitate the investigation. Information is provided by CP&P pursuant to N.J.S.A. 9:6-8.10a1.b.(1), which permits CP&P to release its records to a public or private child protective agency authorized to investigate a report of child abuse or neglect.

CP&P may withhold any information which is unnecessary to the investigation. CP&P staff consults the DAG about what information, if any, should be withheld.

The Division's State Central Registry (SCR) is responsible for processing referrals to the PDCIU during and after regular CP&P business hours.

Public Defender Law Guardian Program 6-18-2001

The Public Defender's Law Guardian Program provides legal representation for children in abuse/neglect actions pursuant to N.J.S.A. 9:6-8.23.

New Jersey Court Rule R.5:12-1 et seq. allows CP&P to provide the Law Guardian with all the documents the Division is using in presenting its case. The Division reserves the right, however, to withhold information which may be unnecessary to the case, outside the scope of the litigation. If the Public

Defender, acting as Law Guardian, wishes to obtain such information, the Public Defender may seek a court order pursuant to N.J.S.A. 9:6-8.10a1.b.(6).

“Pursuant to N.J.S.A. 9:6-8.10a.b(6), the Division shall disclose records and reports of child abuse when a court or the Office of Administrative Law determines that it is necessary for determination of an issue before the court or the Office of Administrative Law. Such records may be disclosed by the court or the Office of Administrative Law in whole or in part to the law guardian, parent’s attorney or other appropriate person upon a finding that such further disclosure is necessary for determination of an issue before the court or the Office of Administrative Law”. (N.J.A.C. 10:133G-2.1(b)) (Emphasis added.)

**Public Defender, Division of Mental Health Advocacy
2-10-98**

The Public Defender, Division of Mental Health Advocacy, serves as Guardian Ad Litem, representing children (minors, under age 18) who are involuntarily committed to hospitals or institutions. State Court Rule R:4:74-7, which governs the guardian ad litem process, allows the Public Defender access to the patient’s (i.e., the child’s) mental health records.

N.J.S.A. 40:4-24.3 permits CP&P to disclose non-CPS information about the child to the Guardian Ad Litem with the signed consent of the parent or guardian, but CPS information cannot be released without a court order. In addition, CP&P may share information with the Public Defender, as Guardian Ad Litem, pursuant to N.J.S.A. 9:6-8.10a1.b.(5), when that information is needed for the care, treatment or supervision of the child.

Consult the DAG or OLRL when questioning whether a specific situation allows for release.

**New Jersey Protection and Advocacy, Inc.
2-10-98**

Federal statutes -- the Protection and Advocacy for Mentally Ill Individuals Act and the Developmentally Disabled Assistance Act -- require that each state seeking to receive Federal funding must implement a system to protect individuals with developmental disabilities or mental illness. New Jersey Protection

and Advocacy, Inc. is a private agency, designated by the Governor to serve this purpose.

New Jersey Protection and Advocacy, Inc. is entitled to all necessary CP&P and facility records when investigating a report that alleges the abuse or neglect of a child with a developmental disability or mental illness, with the reported incident having occurred in a non-CP&P facility.

- When investigating occurrences in non-CP&P facilities, New Jersey Protection and Advocacy, Inc. may be entitled to information from CP&P case records as well as IAIU records.
- When investigating occurrences in CP&P facilities, New Jersey Protection and Advocacy, Inc. may be entitled to information from the Public Defender Investigation Unit as well as CP&P records.

New Jersey Protection and Advocacy, Inc. is only entitled to CPS information related to an incident which occurred inside a facility.

Direct any questions to the DAG about releasing information to New Jersey Protection and Advocacy, Inc.

County Prosecutor

9-18-96

Pursuant to N.J.S.A. 9:6-8.36a, CP&P is required to report to the County Prosecutor all instances of suspected child abuse and neglect which may be criminal in nature as defined by State statute or regulations. See [CP&P-II-C-4-200](#), Reporting to the County Prosecutor, and N.J.A.C. 10:129-5, in the Regulations section of the manual. County Prosecutor requests for non-CPS information unrelated to their investigation of a child abuse incident are subject to written client consent or subpoena.

County Multi-Disciplinary Teams

2-10-98

Pursuant to N.J.S.A. 9:6-8.10a1.b.(15), CP&P may provide information to county multi-disciplinary teams (often headed by the County Prosecutor), to enable the teams to effectively coordinate the investigation of, and/or the provision of services among and between component agencies, providers and

individuals handling alleged cases of child abuse and/or neglect.

State and County Medical Examiners

2-10-98

CP&P has entered into an agreement to enhance cooperation between CP&P field offices and support staff, the State Medical Examiner and county Medical Examiners when investigating child abuse and neglect fatalities. The agreement between CP&P and the State and county Medical Examiners calls for timely information sharing by all parties, both verbally and in writing, and is sensitive to the Division's need to reach out to siblings and other children who may be at risk if left in the care of an offending parent or caregiver. The Division's Central Office, the State Central Registry, and each Local Office and Area Office have named liaisons to respective Medical Examiners to facilitate joint cooperation.

CP&P and county Medical Examiners share information by telephone when investigating a child death case. Documents may be forwarded by facsimile machine for a timely exchange of information.

Medical Examiner records are created, maintained, and controlled in accordance with N.J.A.C. 13:49-3.1(a) and (b). If CP&P is unable to obtain information from the county Medical Examiner, contact the State Medical Examiner for assistance.

See [CP&P-II-C-4-150](#) for related policy.

Law Enforcement Agencies/Police

8-9-2010

See Disclosure of Client information to Law Enforcement Agencies/Police.

Schools

9-18-96

CPS information about children allegedly abused/neglected at home/outside the school setting may be released to school authorities (e.g., principals, guidance counselors, school social workers, teachers) to the extent that the school needs the information to educate, care for, treat, or supervise a child who is the subject of a child abuse report. Information should not be disclosed simply to complete school records or for school administrative purposes. See [CP&P-II-C-5-500](#), CP&P Response to School Reports of Child Abuse/Neglect. The release of non-CPS information requires parental consent.

See above about information shared with school principals about juvenile offense records. See [CP&P-IX-G-1-200](#), N.J.A.C. 6A:16-11 – Reporting Potentially Abused or Neglected Children.

For the handling of information about institutional abuse/neglect allegations against school staff, see the Institutional Abuse Investigation Unit manual.

Hospitals 2-6-2006

Confidential information may be released to a hospital Director or his or her designee when a child has been brought to the hospital for care or treatment, and the hospital Director or designee reasonably suspects that the child has been abused or neglected and/or may be in need of protective custody due to child abuse/neglect. See [CP&P-II-B-1-800](#), Protective Custody or “Hospital Hold.” Release of information to a hospital under other circumstances is governed by the legal and regulatory provisions outlined in [CP&P-II-B-1-800](#).

CP&P may release information about a child client to hospital staff for treatment-related purposes when CP&P has legal authority to do so. See [CP&P-II-C-5-1100](#) and [CP&P-V-A-1-250](#).

CP&P may release information about a Safe Haven infant client to hospital staff who are treating the infant. See [CP&P-IV-C-5-100](#).

Regional Child Abuse Diagnostic and Treatment Center 2-10-98

CP&P may release confidential information to a regional child abuse diagnostic and treatment center when seeking assistance with a CPS investigation, to secure treatment for a child who may be an abused or a neglected child, and/or when contacted by “an authorized member of the staff of a duly designated regional child abuse diagnostic and treatment center which is involved with a particular child who is the subject of the request” (N.J.S.A. 9:6-8.10a1.b.(3)).

Consult the Local Office liaison for local referral guidelines and procedures. Consult the liaison and/or the County SPRU Coordinator for procedures to follow when seeking services from the respective regional child abuse diagnostic and treatment center after hours. See [CP&P-II-C-2-600](#).

Private Physicians

9-18-96

Confidential information may be released to a physician who has before him a child reasonably suspected of being abused or

neglected. The information released shall be limited to the extent required for the adequate protection of the child. Information may not be released over the telephone without verifying the identity of the physician.

**Institutions or Overseeing Governmental Bodies Where Children Have
Been Abused or Neglected by Personnel Employed by Such Institutions
3-16-2009**

Pursuant to N.J.S.A. 9:6-8.10a1.b.(5), CPS information may be released to an institution (e.g., facility, shelter), and/or the governmental body accountable for its operation (e.g., state, county, municipality), when necessary to assist in the institutional abuse/neglect investigation or the government body's inquiry into the alleged incident. Such information may be released whether or not the specific child involved remains under the care, supervision, or treatment of the institution.

Pursuant to N.J.S.A. 9:6-8.10a1.b.(14), CP&P or IAIU may release CPS information to a government body or administrative authority conducting a disciplinary, administrative, or judicial proceeding to determine terms of employment or continued employment of an officer, employee, volunteer, or intern with the agency or organization providing services to children.

CARI and CHRI Requests

4-11-2005

Checks on CP&P Service Providers

3-16-2009

When completing home studies and assessments of prospective resource family providers or pre-adoptive parents for CP&P-supervised children, or at the request of a court of competent jurisdiction, or when screening candidates interested in serving as CP&P volunteers or student interns, CP&P or the Office of Licensing (OOL) staff initiate State and Federal criminal history checks and a CP&P Full Record Review/Child Abuse Registry search through NJS.

For policy regarding the procedure to request **adult** probation records from the Probation Services Division, see Procedures to Request Adult Probation Records.

The applicant is advised of the CARI and CHRI check procedures and their purposes. Written authorization/release and reference packets are obtained from the applicant during orientation sessions with CP&P. See [CP&P-IV-B-2-200](#) and [CP&P-IV-C-10-200](#). For resource and adoptive parent applicants, this information is sought on all adults residing in the applicant's home. In accordance with the Adam Walsh Child Protection and Safety Act of 2006, in order for the home to be licensed, a CARI check must also be conducted

in any state where the applicant (or any other adult residing in the home) lived in the previous five (5) years.

Information gleaned by these searches is used to assess whether an applicant is suitable to serve as a CP&P resource parent, adopt a child, or volunteer to work with CP&P clients.

CARI Requests to Screen Family Day Care Provider Registrants 4-11-2005

Since June 29, 1995, CP&P (or the OOL acting for CP&P) has released information from the NJ Child Abuse Registry about family day care providers who seek a certificate of registration or renewal of their certificate under P.L. 1993, c. 350. Child Abuse Record Information (CARI) checks (NJS inquiries) are required for the family day care provider/applicant, all members of his household age 14 or older, and any substitute, assistant, or alternate provider. The written consent of the provider/applicant, household member, substitute, assistant, or alternate is required before OOL conducts the record search.

Upon receipt of a written CARI consent form from a family day care sponsoring organization, the Office of Licensing (OOL) checks the names of each current or prospective family day care provider, substitute, assistant, alternate, and household member at least 14 years of age against the "Perpetrator Listing" in NJ SPIRIT, to determine whether any of these individuals perpetrated an act of child abuse/neglect according to CP&P, IAIU or PDCIU investigation findings.

If the OOL, upon completing the CARI check, finds that CP&P, IAIU or PDCIU substantiated an incident(s) of child abuse/neglect (referred to screening on or after June 29, 1995), the letter to the family day care sponsoring organization contains:

- the name(s) of the registered family day care provider, applicant for registration, assistant, substitute, alternate, or any member of the provider's/applicant's household at least 14 years old for whom an incident(s) of child abuse or neglect was substantiated by CP&P, IAIU, or PDCIU; and
- a statement that the letter from OOL is confidential, and releasing its contents to anyone other than the provider/applicant would be a misdemeanor under State law.

Based on the CARI check provided by OOL, the family day care sponsoring organization:

- may issue a certificate or renewal of registration to the family day care provider/applicant, if no substantiated incident is found; or

- is required to deny, suspend, revoke or refuse to renew the certificate of registration for the family day care provider/applicant, if a substantiated incident is found, with a confirmed perpetrator determined.

The family day care provider/applicant may choose to remove or replace a perpetrator, if other than the provider/applicant, before the action against the registration certificate takes effect. If the perpetrator is removed or replaced, the sponsoring organization continues the registration process.

The disapproval of an individual to be a registered family day care provider impacts directly on his or her constitutional right to employment. Therefore, only that information in the Child Abuse Registry which has been subject to due process safeguards may be used in a CARI search to limit or deny the family day care registrant this protected right. Thus, Child Abuse Registry information which predates June 29, 1995, the Division's implementation of due process safeguards, may not be released to family day care sponsoring organizations. See [CP&P-IX-M-1-100](#), Informal and Formal Dispute Resolution Policy and Procedures.

The applicant has the right to appeal the negative action taken against him or her - the denial, suspension, revocation, or non-renewal of a family day care registration certificate - by requesting that the Office of Licensing arrange a hearing through the Office of Administrative Law. See N.J.A.C. 10:126-5.8. See also [CP&P-IX-G-1-200](#).

CARI-related information cannot be released while an appeal is pending.

CARI Requests to Screen Adoptive Parent Applicants (for Private Adoption Agencies) 4-11-2005

In accordance with N.J.S.A. 9:3-54.2, the Office of Licensing (OOL) shall release information from the Child Abuse Registry to adoption agencies licensed by the State of New Jersey for the purpose of screening adoptive parent applicants.

Upon receipt of a written Child Abuse Record Information (CARI) request from an approved adoption agency, the Office of Licensing shall check the names of each prospective adoptive parent and any member of the parent's household who is 18 years of age or older against the "Perpetrator Listing" in NJ SPIRIT, to determine whether any of these individuals perpetrated an act of child abuse/neglect according to CP&P, IAIU, or PDCIU investigation findings. The Office of Licensing advises the adoption agency whether or not an individual(s) is identified as a confirmed perpetrator of a substantiated incident of child abuse or neglect, as

entered in the Child Abuse Registry.

If the OOL, upon completing the CARI check, finds that CP&P or IAIU substantiated an incident(s) of child abuse/neglect, the letter to the private adoption agency contains:

- the name(s) of the adoptive parent applicant or any member of his or her household who is age 18 or older for whom an incident(s) of child abuse or neglect was substantiated by CP&P or IAIU;
- a summary of up to two incidents in which child abuse/neglect was substantiated against an applicant or household member, including:
 - the name of the abuser;
 - the date of the incident;
 - the age and sex of the victim;
 - the abuser's relationship to the child victim; and
 - the nature of the incident;
- a statement directing adoption agency staff to consider the information from CP&P and IAIU when assessing the suitability of the adoptive parent applicant(s) to adopt a child; and
- a statement that the letter from OOL is confidential, and advising what information may or may not be released, and to whom, in accordance with State law.

Based on Child Abuse Registry information from OOL and the adoption home study completed by the adoption agency, the adoption agency will decide whether to:

- approve the prospective adoptive parent household, or
- disapprove the prospective adoptive parent household.

The adoption of a child is not a constitutionally or statutorily guaranteed right. Therefore, any information in the Division's Child Abuse Registry, whether or not it has been subject to due process safeguards, may be used in a CARI search to determine the suitability of the adoptive applicant to adopt. Thus, Child Abuse Registry information which predates the Division's implementation of due process safeguards (June 29, 1995) may be released to private, licensed adoption agencies in accordance with this law. See [CP&P-IX-M-1-100](#), Informal and Formal Dispute Resolution Policy and Procedures. OOL advises adoption agencies, however, whether the applicant was given an opportunity for an independent review/hearing to appeal any finding of substantiated child abuse/neglect made against him.

CHRI Requests to Screen Adoptive Parent Applicants for Private Adoption

Agencies 7-13-2009

Pursuant to N.J.S.A. 9:3-54.2, a home study completed by a State-licensed private adoption agency shall include the results of both State and Federal criminal history record checks for each prospective adoptive parent and each adult (person age 18 or older) residing in his or her home. The CHRI check is coordinated by the Office of Licensing (OOL). N.J.A.C. 10:121A, Manual of Requirements for Adoption Agencies, details initiatives by CP&P and private adoption agencies to effectuate N.J.S.A. 9:3-54.2.

Fingerprints are checked against criminal history record information known to the Federal Bureau of Investigation and the Division of State Police.

All correspondence between the private adoption agency and the Central Fingerprint Unit involving the results of a CHRI check is marked "confidential." The results of the CHRI and the date the results are received by the private adoption agency are maintained in the applicant's case record.

When the results of a CHRI reveal a criminal conviction, the private adoption agency:

- Discloses the results of the CHRI only to the specific individual on whom the CHRI was conducted; and
- Discloses to the adoptive applicant(s) the name of the adult residing in the applicant's home who has a criminal conviction, but does not disclose to the adoptive applicant(s) any other information about the conviction.

The private adoption agency assesses the suitability of the adoptive applicant(s) to adopt based on the CHRI information. N.J.A.C. 10:121A presents criteria to guide the assessment and subsequent decision-making approval process.

Pursuant to the Adoption and Safe Families Act (ASFA), the use of Criminal History Record Information is required in the screening of CP&P as well as private agency adoptive homes. ASFA prohibits the Division (as a State CPS agency) from approving certain homes in which the adoptive applicant or other household member has committed specific crimes. N.J.S.A. 9:3-54.2 requires a private adoption agency to make a recommendation to the court, and a report/notification to the Office of Licensing regarding the suitability of an adoptive home based upon the results of the CHRI, but does not automatically disqualify an adoptive home based upon specific criminal convictions. See N.J.A.C. 10:121A.

See [CP&P-IV-C-10-200](#) for information regarding required CHRI checks when CP&P makes a selected home adoption placement.

See [CP&P-IV-B-2-200](#) for information regarding required CHRI checks for CP&P resource family homes and contracted foster homes. See [CP&P-IV-B-2-200](#) for information regarding required CHRI checks for CP&P resource family provider homes.

CARI Requests to Screen Facility Registrants 4-4-2005

Effective March 2004, the DCF Office of Licensing, acting on behalf of CP&P, shall release information from its Child Abuse Registry to facilities seeking a certificate of approval or a renewal of their certificate under N.J.S.A. 30:4C-27.22. Child Abuse Record Information (CARI) checks are required for each applicants/staff member employed by, or working at, the facility. The written consent of the employee/applicant/administrator is required before the DCF OOL conducts a record search of CP&P data.

The law states, in part: "The Department shall not issue a certificate of approval to a facility unless the Division has determined that no substantiated charge of child abuse or neglect against the administrator is found in the Child Abuse Registry. If the administrator refuses to consent to, or cooperate in, the securing of a Division Child Abuse Record Information (CARI) check, the Department shall suspend, deny, revoke or refuse to renew the facility's certificate of approval, as appropriate. If a staff member of the facility, other than the administrator, refuses to consent to, or cooperate in, the securing of a Division CARI check, the individual shall be immediately terminated from employment at the facility."

The rejection or termination of an employee impacts directly on his or her constitutional right to employment. Therefore, only that information in the Child Abuse Registry which has been subject to due process safeguards may be used in a CARI search. Therefore, Child Abuse Registry information that predates June 29, 1995, the Division's implementation of due process safeguards, may not be released. See [CP&P-IX-M-1-100](#), Informal and Formal Dispute Resolution Policy and Procedures.

Response to Inquiries from the Public, Including the Media 5-21-2007

N.J.S.A. 9:6-8.10a1.f. permits the Department of Children and Families (and CP&P, as a DCF Division) to make information available to members of the public -- or the media which represents the public -- in cases of child fatalities or near fatalities:

- 1) which are under investigation by CP&P when, based on the available information, there is a reasonable suspicion that child abuse or neglect may have been a contributing factor to the fatality or near fatality; or
- 2) when CP&P has determined that the child fatality or near fatality was the result of child abuse or neglect.

'The Division representative shall advise a representative of the Department of Children and Families' Office of Public Information of each child fatality or near fatality which the Division has reasonable cause to believe was the result of abuse or neglect. A representative from the Department of Children and Families' Office of Public Information or the Director shall release information to the public about child fatalities or near fatalities in accordance with N.J.A.C. 10:133G-4." (N.J.A.C. 10:133G-3.5(b)1)

Refer any request from the media for information about a Safe Haven infant or the New Jersey Safe Haven Infant Protection Act, PL 2000, c. 58, to the Department of Children and Families, Office of Public Information (609) 292-0422. See [CP&P-IV-C-5-100](#).

Refer any request from the media for other confidential information about a Division case and/or CP&P intervention (i.e., not relating to a child fatality/near fatality or a Safe Haven infant) to the Area Office.

Immediately notify the Area Office upon receipt of such a request for confidential client information. The Area Office shall not release confidential information to members of the press unless:

- 1) other provisions of N.J.S.A. 9:6-8:10a are met, as relevant
- 2) the client consents in writing; and
- 3) such release would not be detrimental to the well-being of the child or adult client.

No information identifying individual clients or referral sources shall be released.

**Only CP&P Director or DCF Office of Public Information Release
Information to the Public/Media in Child Fatality or Near Fatality Cases
5-21-2007**

"The Division may release information to the public regarding a child fatality or near fatality when the fatality or near fatality was the result of abuse or neglect, pursuant to N.J.S.A. 9:6-8.10a.f. (N.J.A.C. 10:133G-4.1) Emphasis added.

The Department of Children and Families' Office of Public Information shall direct and control the release of information to the media about a child fatality or near fatality investigated by the Division or determined by the Division to be the result of abuse or neglect. Information shall be disclosed by the Director or designee or a representative of the Department's Office of Public Information. No other representative of the Division or the Department shall disclose information to the media or a member of the public about a child fatality or near fatality unless specifically authorized to do so by the Director or designee or the Commissioner of the Department of Children and Families". (N.J.A.C. 10:133G-4.2(a))

Immediately refer any request for information about a child fatality

or near fatality from a member of the public -- including inquiries from the media -- to the Department of Children and Families' Office of Public Information. Only the DCF Office of Public Information or the CP&P Director may release such information to the public. **Under NO CIRCUMSTANCES should information be disclosed from any Division employee to the public unless so designated by the CP&P Director or the Commissioner of Children and Families.**

“(b) The media may request information about a child fatality or near fatality either verbally or in writing. The media shall direct the request to the Department of Children and Families' Office of Public Information. The Director of the Division of Youth and Family Services or a representative of the Department of Children and Families' Office of Public Information shall provide information verbally to a representative of the media about a child fatality or near fatality, within the parameters established by this chapter, upon confirming that the requester is a representative of the media.

(c) A member of the public shall make a request for information about a child fatality or near fatality in writing to the Office of the Director, Division of Youth and Family Services. If the requester claims to represent an agency, he or she shall make the request for information on official agency letterhead . . . The Director or designee shall respond, in writing, . . . to a written request from a member of the public for information about a child fatality or near fatality.” (N.J.A.C. 10:133G-4.2) Emphasis added.

Information That Shall Not Be Disclosed to the Media/Public About a Child Fatality or Near Fatality 5-21-2007

(a) “Pursuant to N.J.S.A. 9:6-8.10a.f, neither a representative of the Office of the Director nor the Department's Office of Public Information shall disclose information to the media or a member of the public about a child fatality or near fatality investigated by a child protective investigator when:

- The information would likely endanger the life, health, safety, or physical or emotional well-being of a child or the life or safety of any other person;
- The information may compromise the integrity of or interfere with a child protection investigation, a civil or criminal investigation or a judicial proceeding.
 - If a criminal investigation is in progress or pending, the Director of the Division of Youth and Family Services or designee shall contact the county prosecutor before releasing any information to the media or a member of the public about the incident, to determine what information can be disclosed, if any, based on the status

of the criminal investigation.

- The information is deemed confidential by Federal law or State law other than N.J.S.A. 9:6-8.10a, including, but not limited to, the laws referenced in N.J.A.C. 10:133G-2.3(a)1;
- The information includes the name of or any identifying information about the reporter, even when the reporter gives written consent to disclose his or her identity . . . ;
- The information includes the name of any Division representative assigned to the child protection investigation or the management of the case; or
- The information concerns any disciplinary actions taken against a Division representative as a result of or related to the incident or the handling of the case by the Division representative.

(c) Neither the Director, the Department's Office of Public Information nor a designee shall release information obtained from another agency or entity which is investigating a child fatality or near fatality on its own or in cooperation with the Division, such as the police, the county prosecutor or the medical examiner".
(N.J.A.C. 10:133G-4.3)

**Information to be Disclosed to the Public/Media by CP&P Director/DCF
Office of Public Information during CP&P Investigation 5-21-2007**

"Unless prohibited . . . , and upon the request of the media or a member of the public . . . , information about a child fatality or near fatality that shall be disclosed to the media or a member of the public during the child protection investigation, prior to the child protective investigator's determination of the investigation finding, shall include and shall be limited to the following:

1. The name, age and gender of the child victim;
2. The date of the incident and the date of the call regarding the incident to the Division;
3. The living arrangement of the child victim at the time of the incident, and, for a near fatality, the child victim's current living arrangement, if different. The Director or the Department's Office of public Information or designee shall:
 - i. Disclose the type of setting, such as the child's own home, a resource home, or an institution;
 - ii. Provide the name of the institution, if the incident occurred in an institution; and
 - iii. Not provide information containing the out-of-home placement provider's or other caregiver's name, address and other identifying information or whereabouts if the incident

did not occur in an institution;

4. Information about other possible child victims. The Director or the Department's Office of Public Information or designee shall disclose:

- i. The names of other possible child victims only when they are also fatalities or near fatalities which the child protective investigator has reasonable cause to believe resulted from child abuse or neglect;
- ii. The relationship of each child to the child victim; and
- iii. The type of living arrangement of each child under the conditions specified in (a)3i, ii and iii above;

5. The nature of the incident. The Director or designee or a representative of the Department's Office of Public Information shall disclose:

- i. The nature of the alleged abuse or neglect, including, but not limited to, physical abuse, neglect, or and sexual abuse;
- ii. The nature of the child victim's injuries, medical condition and prognosis; and
- iii. The name and identifying information about the alleged perpetrator and other specific information about the circumstances of the incident only after the child protective investigator concludes the child protection investigation, substantiates abuse or neglect, and confirms a perpetrator;

6. The status of the Division's involvement with the child victim and his or her family prior to the child fatality or near fatality, including:

- i. Whether the case was in active status at the time of the child fatality or near fatality, in closed status or never known to the Division;
- ii. The Division office or offices responsible for each prior case opening;
- iii. The date and disposition of each prior call;
- iv. The date of each prior case opening and closing;
- v. The types of services provided by or through the Division, including any referral to a service not provided by the Division, without disclosing the name of any service provider; and
- vi. The date and approximate time of the Division representative's last contact with the child victim prior to the incident, and whether the contact was in person or by telephone;

7. Division action taken to protect the child victim and other possible child victims within the family or the household; and
8. The name of the Division office supervising the case or conducting the child protection investigation.” (N.J.A.C. 10:133G-4.4) Emphasis added.

**Limitations on Information Disclosed to the Public/Media by CP&P Director/DCF Office of Public Information about a Child Fatality or Near Fatality Not Caused by Child Abuse/Neglect
5-21-2007**

The Director, the Department’s Office of Public Information or a designee shall disclose only the following (additional) information to the media or a member of the public . . . , if the child protective investigator determines that the child fatality or near fatality was not the result of a substantiated incident of child abuse or neglect:

- The Division’s finding of unfounded; and
- The date of the Division’s finding. (N.J.A.C. 10:133G-4.5) Emphasis added.

**Information to be Disclosed to the Public/Media by CP&P Director/DCF Office of Public Information about a Child Fatality or Near Fatality Resulting from Child Abuse/Neglect
5-21-2007**

“If a child protection investigation determines that the child fatality or near fatality was the result of a substantiated incident of abuse or neglect, unless prohibited by N.J.S.A. 9:6-8.10a or N.J.A.C. 10:133G-4.3 or withheld at the request of the county prosecutor, the Director or designee or a representative of the Department’s Office of Public Information shall disclose the following (additional) information to the media or a member of the public, as relevant to the given incident or the child’s condition . . .

1. The child’s current medical condition or the date and cause of the child’s death;
2. The child’s current living arrangement, with this information provided under the same limitation as...
3. Details about the child protection investigation of the incident, including, but not limited to:
 - i. The type of abuse or neglect that was substantiated;
 - ii. Where the incident occurred; and
 - iii. The name of the perpetrator and his or her relationship to the child victim;
4. Whether the child protection investigation determined that another child was abused or neglected at the time of the incident.

The name of that child shall not be disclosed unless that child was a child fatality or near fatality as well; and

5. The types of services provided by or through the Division, both prior and subsequent to the child fatality or near fatality, including service referrals given on behalf of the child victim as well as the services or referrals given on behalf of the child victim's surviving family members, except as otherwise prohibited by law. No employee shall disclose the name of a service provider." (N.J.A.C. 10:133G-4.6) Emphasis added.

Member of the Media/Public Can Seek Relief from Court if Denied Information

5-21-2007

"If the Director or designee or a representative of the Department of Children and Families' Office of Public Information denies the media or a member of the public access to information about a child fatality or near fatality . . . , he or she may seek disclosure of the information through the Chancery Division of the Superior Court", pursuant to N.J.S.A. 9:6-8.10a.f. (N.J.A.C. 10:133G-4.7)

Response to Research Requests, External Inquiries, Government Entities, Audits and Reviews

6-18-2001

Legislature and Elected Officials

6-18-2001

When, in the normal course of its activities, the State Legislature, a legislative committee, or legislative staff requests information from CP&P, such information may be released only with the approval of the CP&P Director or his designee, provided that no information identifying individual clients shall be released unless absolutely essential to legislative functions. (The Office of Legal and Regulatory Liaison (OLRL) may function as the Director's designee in handling these inquiries.)

Occasionally, an individual Congressman, legislator or legislative staff member may request information on an individual matter pursuant to a request from a constituent. Such information may be released only: 1) if it is non-CPS in nature; 2) upon written consent of the client; and 3) after the Area Director has been advised of the request and approves the release.

Reports from the Child Fatality and Near Fatality Review Boards may be shared with the legislature to recommend changes in the law.

Federal, State or Local Government Entities

6-18-2001

N.J.S.A. 9:6-8.10a1.b.(20) permits CP&P to release information to a Federal, State or local government entity to the extent necessary for such entity to carry out its responsibilities under law to protect

children from abuse and/or neglect.

Forward any inquiries to the Office of Legal and Regulatory Liaison, CC # 911.

**Content of Government Entity Request to CP&P
5-21-2007**

“A Federal, State or local government entity requesting information regarding an abuse or neglect report, when the information is being requested for a matter other than the investigation of a report of abuse or neglect, shall submit a written request to: Division of Youth and Family Services, PO Box 717, Trenton, NJ 08625-0717.

The request shall include:

1. A citation identifying the requester’s statutory mandate to protect children from abuse and neglect;
2. The specific information that is being requested;
3. The purpose for which the information will be used; and
4. A statement indicating that the requesting government entity will keep the information confidential”. (N.J.A.C. 10:133G-5.1)

**OLRL Determines Whether CP&P Should Disclose Information
5-21-2007**

“When determining whether to disclose information, a Division representative (OLRL staff) shall determine whether the requester has statutory authority to receive confidential abuse or neglect information and a need to know the information being requested.

1. If the request is approved, the Director or designee (of OLRL or from the Director’s Office) shall provide a summary of the information that is approved for release.
2. If the request is disapproved, the Director or designee (of OLRL or from the Director’s Office) shall notify the requester, in writing, of the disapproval and the opportunity for the requester to appeal this decision through the Chancery Division of the Superior Court” pursuant to N.J.S.A. 9:6-8.10a. (N.J.A.C. 10:133G-5.2)

Safeguards

5-21-2007

“The following safeguards are applicable when information is requested by a government entity. The Director or designee (of OLRL or from the Director’s Office) shall disclose only that information:

1. Deemed appropriate, as determined pursuant to N.J.A.C. 10:133G-5.2, for the requesting entity to carry out its responsibility under law to protect children from abuse and neglect;
2. Related to an abuse or neglect report which would not be likely to endanger the life, safety, or physical or emotional well-being of a child or the life or safety of any other person;
3. Related to an abuse or neglect report which would not be likely to compromise the integrity of a child protection investigation or a civil or criminal investigation or judicial proceeding;
4. Related to an abuse or neglect report, which is not deemed confidential by Federal or State law other than N.J.S.A. 9:6-8.10a;
5. Which does not contain the name of the reporter or any other information which could readily identify the reporter, unless the reporter gives prior written consent in accordance with N.J.A.C. 10:133G-2.1(c); and
6. Which does not contain the name of or any information which could readily identify the Division representative or representatives assigned to the child protection investigation or the management of an open case. (N.J.A.C. 10:133G-5.3(a))

A government entity receiving information pursuant to N.J.S.A. 9:6-8.10a shall keep the information confidential and shall not redisclose the information. A violation of this confidentiality requirement shall be subject to criminal sanctions” pursuant to N.J.S.A. 9:6-8.10b. (N.J.A.C. 10:133G-5.3(b))

Auditors

9-18-96

Agencies that have received approval from the CP&P Director may examine case files for the purposes of fiscal control, as long as their audit includes collecting only that information specific to the needs of the audit. Names and addresses of clients shall be avoided as much as possible and auditors should abide by the ethics of confidentiality.

Department of Children and Families**5-21-2007**

“Staff of the Department’s Office of Legal and Regulatory Affairs, the Commissioner or Chief of Staff of the Department of Children and Families or each Director of an office or Division of the Department of Children and Families shall have the authority to request and receive all information about Division clients. (N.J.A.C. 10:133G-3.5(b)) Emphasis added.

The Division representative (CP&P) shall advise a representative of the Department of Children and Families’ Office of Public Information of each child fatality or near fatality, which the Division has reasonable cause to believe was the result of abuse or neglect. (N.J.A.C. 10:133G-3.5(b)1)

The Division Director or designee may, and upon written request shall, release records and reports to any division or unit in the Department authorized to care for, treat, or supervise a child who is the subject of an abuse or neglect report, or a parent or other person who is responsible for the child’s welfare, or both, when the information is needed in connection with the provision of care, treatment, or supervision of a child or parent or other person” pursuant to N.J.S.A. 9:6-8.10a.b(5). (N.J.A.C. 10:133G-3.5(d))

**Division of Medical Assistance and Health Services
5-21-2007**

“The Division (CP&P) shall allow the Division of Medical Assistance and Health Services’ quality control reviewers to review its records to the extent necessary to confirm a child’s Medicaid eligibility, in accordance with 45 CFR 74.24 and 1340.14(i)(5).

The quality control reviewers shall not photocopy any materials from a Division case record nor have unrestricted review of records or general access to a case record.” (N.J.A.C. 10:133G-3.5(e))

Federal Government**6-18-2001**

The Federal Government, with the knowledge and approval of the CP&P Director, may review CP&P records in the performance of oversight of the social service or medical insurance programs it regulates and supports. Only information necessary to the purpose of the review should be examined and collected. (Examples: Title IV-E audit, Medicaid eligibility review.)

CP&P Continuous Quality Improvement Unit**9-20-2004**

The Division’s Continuous Quality Improvement Unit shall have access to any information necessary to a research project

conducted with the approval of the CP&P Director. Prior to release, the Local Office Manager shall be advised of the nature of the research and the information required.

Purpose 8-9-2010

This section outlines release of client information to local and State police, and other law enforcement authorities by CP&P Workers and IAIU Investigators.

Statutory Authority 4-1-2013

- N.J.S.A. 9:6-8.10a., Reports and Information of Child Abuse Reports; Confidentiality; Release
- N.J.A.C. 10:129-7.8, Other notification at conclusion of investigation, sections (e) and (f)
- P.L. 1997, c.175, Comprehensive Child Abuse Prevention and Treatment Act (CCAPTA)

When CPS Information May Be Released 8-9-2010

Release CPS information to local or State police/law enforcement authorities who:

- Are investigating a report of child abuse or neglect (N.J.S.A. 9:6-8.10a1.b.(2); or
- Have before them a child whom they reasonably suspect may be abused or neglected, and require the information to determine whether to place the child into protective custody (N.J.S.A. 9:6-8.10a1.b.(4)).

Notification Required with “Substantiated” Finding 4-1-2013

Federal and State law and State regulations require that the assigned CP&P Worker or IAIU Investigator notify the local or State police/law enforcement authorities (State police for communities which do not have local police protection) whenever a child abuse and/or neglect incident is “**substantiated**” involving a child who resides in their jurisdiction. Pursuant to N.J.A.C. 10:129-7.8(e) and (f), within 10 days from the date the assigned Worker or IAIU Investigator makes a final determination of “substantiated,” he or she forwards to the local or State police/law enforcement authority written information regarding the incident that **shall include**:

1. The name and age of each child victim and his or her address;
2. The name and age of each of the child victim’s siblings, if any;
3. The name of **each alleged and each confirmed perpetrator**, his or her address, and his or her relationship to each child victim;
4. The name and address of the facility, if the incident occurred in a facility;

5. The date the State Central Registry created the report;
6. The date the assigned Worker or IAIU Investigator completed the investigation;
7. Whether the substantiated finding was child abuse, neglect, or a combination thereof;
8. A summary of the circumstances of the incident, including a description of the child's injuries, if any, and a statement about the severity of the incident;
9. A statement whether DCF reported the incident to the County Prosecutor; and
10. A statement whether CP&P or IAIU investigated a prior allegation of abuse or neglect regarding the alleged child victim.

Restriction on Naming the Reporter 8-9-2010

The assigned Worker or IAIU Investigator is not permitted to name, or in any other way identify, the reporter/referral source when reporting a substantiated incident to the police.

Use Incident Summary Form and Cover Letter 8-9-2010

To implement N.J.S.A. 9:6-8.10a1.e, see "Notification Required," above, whenever abuse or neglect is substantiated by a CPS investigation, the assigned CP&P Worker or the IAIU Investigator forwards an incident summary using CP&P Form [9-32](#), Confidential Report of Substantiated Child Abuse/Neglect to Law Enforcement Agencies, under the cover letter, CP&P Form [9-33](#), Cover Letter to Law Enforcement - Substantiated Incidents of Child Abuse/Neglect, to the local or State police/law enforcement authority. CP&P/IAIU send CP&P Forms 9-32 and 9-33 to **each** police department that is responsible for:

- The jurisdiction where the child victim resides; and, if different
- The jurisdiction in which the incident occurred; and, if different
- The jurisdiction in which the child victim may be at risk of future harm.

Complete both forms in the NJS application accessing them through the NJS Desktop>Investigation Window>Results Tab>Options Drop-down.

Police/Law Enforcement Must Keep Information Confidential 8-9-2010

The CP&P Form [9-32](#) advises the police or law enforcement authorities that the information provided by CP&P or IAIU must be kept confidential pursuant to N.J.S.A.9:6-8.10a.1.e. The police are prohibited from sharing the information with anyone except as authorized under the provisions of N.J.S.A. 9:6-8.10a.

If the "Substantiated" Finding Is Reversed 4-1-2013

If the finding determination of “Substantiated” is reversed, send notice to the local or State police/law enforcement authority pursuant to N.J.A.C. 10:129-7.8(h), to advise that the finding was reversed, and instruct that CP&P Forms 9-32 and 9-33 regarding the incident and named individuals be destroyed (see [CP&P-II-C-6-300](#), When a “Substantiated” Finding Is Reversed):

- The assigned CP&P Worker sends the DCF Form [9-83](#), Notice of Change of Child Abuse or Neglect Finding (CP&P/IAIU).

The Public Defender Conflict Investigation Unit (PDCIU) also may use the DCF Form [9-83](#).

- The IAIU Investigator sends the IAIU [Form 3-30](#), Notice to Law Enforcement to Destroy Information Regarding Child Abuse or Neglect Incident.

The DCF Form [9-83](#) and its instructions are found in the on-line Forms Manual, Volume X. The IAIU [Form 3-30](#) and its instructions are found in the on-line Forms Manual (IAIU Forms).

The Administrative Hearings Unit sends the DCF Form [9-84](#), Notice of Change of Child Abuse or Neglect (AHU), to the local or State police or law enforcement if the finding is changed by the Administrator of the Hearings Unit, after the issuance of a Final Agency Decision on an appealed finding. AHU staff also send the DCF Form [9-84](#) when an Administrative Review Officer, upon reviewing a CARI check, reverses a finding of “Substantiated,” and “Substantiation” notification was previously sent.

The DCF Form [9-84](#) and its instructions are found in the on-line Forms Manual, Volume X.

Releasing Non-CPS Information 8-9-2010

Non-CPS information may be released to the local or State police/law enforcement authority only upon **written client consent** or **subpoena**.

Notice Regarding Safe Haven Infants 8-9-2010

The assigned Adoption or SPRU Worker advises the Division of State Police, Missing Persons Unit, when handling a Safe Haven infant referral. See [CP&P-IV-C-5-100](#), Safe Haven Infants. The State Police advise the Child Abuse Unit of the County Prosecutor’s Office. See Attorney General, Law Enforcement Directive Number 2001-4.

NJS Forms and Windows 8-9-2010

- CP&P Form [9-32](#), Confidential Report of Substantiated Child Abuse/Neglect to Law Enforcement Agencies
- CP&P Form [9-33](#), Cover Letter to Law Enforcement -Substantiated Incidents of Child Abuse/Neglect

Other Relevant Forms 8-9-2010

- DCF Form [9-83](#), Notice of Change of Child Abuse or Neglect Finding (CP&PIAU)
- DCF Form [9-84](#), Notice of Change of Child Abuse or Neglect Finding (AHU)
- IAIU [Form 3-30](#), Notice to Law Enforcement to Destroy Information Regarding Child Abuse or Neglect Incident

Adult Probation Records

Purpose 12-19-2011

The purpose of this policy section is to discuss the New Jersey Judiciary, CP&P Request for Adult Probation Division Records (Judiciary form), and, specifically:

- How the Judiciary form is utilized; and
- What information may be requested.

The Judiciary form, and related procedures were developed by the Judiciary, in collaboration with DCF and the Attorney General's Office, to enhance child protection and inter-agency communication by providing a means for the Probation Services Division to share adult probation records with CP&P without the need for CP&P to seek a court order for the release of a probationer's file. After completing and signing the form, it is sent to the county probation office responsible for supervising the probationer for whom information is being requested.

Authority 12-19-2011

Administrative Office of the Courts Interim Protocol for Sharing Adult Probation Records with CP&P, dated August 10, 2011. (Click to view.)

Using the Judiciary Form to Request Adult Probation Records 12-19-2011

The Judiciary form may be used for requests made by CP&P for adult probation records, such as:

- A CP&P proceeding in a matter of child abuse or neglect before the court;
- A record review for a home study/assessment of a prospective resource family home provider; or
- A need to assess an adult living in the home of a prospective caregiver.

Information shared with CP&P by the Probation Services Division is confidential and shall not be shared with the public.

Note: Do **not** use the Judiciary form to request juvenile probation records. Make a request for juvenile probation records in narrative form and submit it to the Probation Division, where it will be forwarded to Counsel for the Administrative

Director for review and response.

Types of Records Which May Be Requested 12-19-2011

By completing and submitting the form, CP&P may seek to obtain from the Probation Services Division the most recent or updated versions of the following records:

- Employment records;
- Adult school records;
- Drug test results;
- Payment records;
- Treatment service history (but not the actual provider records);
- Statements of Violation of Parole charges;
- Judgment of Conviction;
- Probationer's case plan;
- Home address;
- Work address.

If requesting records or information not specifically listed on the Judiciary form, describe the records or information sought and state the justification for the request. In certain cases, CP&P may be asked to make a formal application to a judge for a prospective order for release of records. In such cases, consult with the DAG to determine how to proceed.